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## The Contribution of Local Education Authorities to the Development of Education for Children Said to Have Mild and Moderate Difficulties With Learning and the Limitations Imposed Upon Them During This Development: With Reference, Where Appropriate, to Events in Northamptonshire

### Thesis

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THE CONTRIBUTION OF LOCAL EDUCATION  
AUTHORITIES TO THE DEVELOPMENT OF EDUCATION  
FOR CHILDREN SAID TO HAVE MILD AND MODERATE  
DIFFICULTIES WITH LEARNING AND THE LIMITATIONS  
IMPOSED UPON THEM DURING THIS DEVELOPMENT,  
WITH REFERENCE, WHERE APPROPRIATE, TO EVENTS  
IN NORTHAMPTONSHIRE

DEGREE : DOCTOR OF PHILOSOPHY

DISCIPLINE : CURRICULUM AND TEACHING STUDIES

31 MAY 1996

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### ***ABSTRACT***

The thesis traces the development of education for children with mild and moderate learning difficulties through the actions of education authorities, either independently or in response to legislation or directives and reports from central government.

Using primary sources linked to significant periods, descriptions of the current system have been constructed in order to illustrate how the development has proceeded, the relationships between central government and the education authorities, how national policy has been put into practice, how pupils in these categories have been defined and identified, the significance of integration and the development of support services and their reorganisation as a result of the educational reforms of the 1980s and 1990s.

The thesis deals with events surrounding the Departmental Committee on Defective and Epileptic Children (1898), The Royal Commission on the Care and Control of the Feeble-Minded (1908), The Report of the Mental Deficiency Committee (1929) and the legislation of 1944, The Warnock Report (1978), the development of support services during the 1980s, and finally the impact of educational reform and the introduction of the Code of Practice in the 1990s.

Where appropriate specific examples of responses and initiatives undertaken by LEAs had been described in order to illustrate the development that has taken place. In each chapter an account of events in Northamptonshire has been given. This becomes more detailed in the last three chapters which incorporate a case study of development in the county following the Warnock Report up to the present day.

The development of special needs policy in Northamptonshire is presented as a positive response to the directives of central government and as a sound basis for future development, providing possible solutions to some of the concerns reflected in current debates.

# Contents

Chapter 1	Introduction	1
Chapter 2	Methodology	27
Chapter 3	Schools of Special Instruction 1892-1906	41
Chapter 4	LEAs as Observers and Collaborators 1907-1928	90
Chapter 5	Merging Categories : Dual Policy : Integration and Segregation 1928-1971	151
Chapter 6	The Warnock Report and the 1981 Education Act 1971-1986	207
Chapter 7	Support Services 1986-1992	245
Chapter 8	Reorganisation, Legislation and the Code of Practice 1990s	277
Chapter 9	Change as Progress and Good Practice	335
Chapter 10	Conclusions	350
	Bibliography	376

## Chapter 1

### Introduction

A widely held view of the purpose of special education, expressed by Aspin, [1982] is that as everyone born is, in principle, capable of becoming an autonomous human being, strenuous efforts should be made to help persons to realise and develop their capacity for individual autonomous existence, however minimal and however much specialised attention may be required. This presents special education as something that is benign, undertaken in the best interests of those whom society has identified as being in need of an alternative form of education to that available to the majority.

The view currently expressed by central government in this country reinforces the idea that special education is positive. The following paragraph from a booklet sent to all homes in England and Wales in June 1992, as part of the government's 'Citizens' Charter' initiative illustrates how this view is presented.

*"If your child has special educational needs because of a disability or learning difficulty, you and your child has a right to an education which meets those needs, in an ordinary school, where possible." [DES, 1992d]*

This view encapsulates five elements of the current policy and processes involved in identifying and meeting special educational needs;

- that a proportion of the school population have difficulty coping with education as it is organised for the majority,
- that when a child is thought to have special educational needs, something can and will be done about it,
- that the parties involved in the process have both expectations and rights,
- that special educational needs should be met in mainstream schools,
- that a framework exists within which needs will be identified and met.

A description of the current organisation and policies for identifying and meeting special educational needs should, therefore, be able to provide answers to the following related questions;

- Who requires access to special education?
- How are special educational needs identified, assessed and met?
- What is the desirable context for meeting needs?
- What are the rights of the parties involved?
- How are the processes for identifying and meeting special educational needs organised?

One might expect the responses to these questions to produce encouraging and positive answers which reinforce the positive view already stated. Those working in the current system including the central government department for education, local education authorities and the various professionals

involved would all be able to present positive sounding responses which indicate that a great deal of effort has been invested in getting these arrangements right. Recent reforms in education in general and special needs legislation in particular have helped to reinforce the view that policy for special education is continuing to develop and improve. However, despite the introduction, in September 1994, of the Code of Practice, one of the most far reaching and innovative initiatives within the sphere of special educational needs, as a result of the 1993 Education Act, there is still widespread concern expressed through recent publications and professional journals that the existing framework is failing to meet the needs of many children.

The nature of special educational needs has changed significantly over the last one hundred years, providing different answers to the above questions at different points in its history. This study attempts to present some of those varying answers by tracing the development of policies and systems for those children whose learning difficulties can not be accounted for in terms of either physical or sensory causes, or serious, severe, or complex learning disabilities, looking specifically at the contribution made by LEAs, either by acting independently or by their interpretations of legislation or central government policy and the constraints placed upon them by central government, and other factors such as limited financial resources.

The development of systems to meet the needs of children with these categories of learning difficulties has been punctuated by official reports which provide evidence about the system at various points and the

recommended changes that were thought necessary. Major reports published in 1898 [Education Department, 1898a (the Sharpe Report)], 1908 [Royal Commission on the Care and Control of the Feeble-Minded, 1908 (the Radnor Commission)], 1929 [Board of Education and Board of Control, 1929 (the Wood Report)], 1978 [DES, 1978 (the Warnock Report)] 1992 [DES, 1992c (Audit Commission)] and 1993 [House of Commons Education Committee, 1993a], provide a framework within which the questions listed above can be investigated. The development of the system was affected by the substance and conclusions of these reports, but once central government had made their response, usually through legislation, it was left to education authorities to put the resulting policy into practice, often with financial constraints placed upon them.

The thesis presented here is that despite the actions of central government and their committees, commissions and subsequent legislation, the key element in the development of special education for children with marginal, mild and moderate learning difficulties has been the extent to which LEAs in their various forms have been able to respond to both the policies and constraints provided by central government and the extent to which they have been able to define and implement their own policies.

Development of this thesis has involved five main themes.

- 1 A chronicle of significant events in the development of the system, characterised by Acts of Parliaments, related documentation and the Reports of relevant Committees and Commissions.

- 2 The changing relationship between the central government agency responsible for education and local education authorities.
- 3 The actions of LEAs in putting policy into practice in either defining policy for themselves or interpreting legislation or report conclusions.
- 4 The shifts in responsibility for meeting needs between mainstream and segregated schools and later attempts by LEAs to ensure greater levels of integration through the development of support services intended to enable mainstream schools to cope with a wider range of special educational needs.
- 5 The difficulty in defining those with mild, moderate and marginal difficulties in learning and the way in which definition, ascertainment and assessment have changed.

Where appropriate this development has been illustrated by examples of what has happened within local authorities. Much of the latter half of this thesis concerns events in Northamptonshire and an indication of the developments in the county has been included throughout.

Categorisation of this group has always been problematical. Current terminology attempts to describe the educational needs of children with learning difficulties, as moderate, mild or marginal (rather than labelling the children themselves). Children with mild or marginal difficulties were usually referred to as 'dull and backward' between 1870 and the 1960s, when 'remedial' became a more fashionable term, except for a short period following the 1944 Education Act when the category was officially bracketed

with those with 'moderate' difficulties under the term 'educationally sub-normal' (ESN). Those with 'moderate' difficulties were originally referred to under two synonymous terms 'feeble-minded' and 'mentally defective'. The 'ESN' term had originally been intended to refer to all pupils with learning difficulties in both special and mainstream schools but narrowed in the 1960s and 70s to refer only to those with moderate difficulties in special schools. It was modified to ESN(M), Educationally Sub-Normal (Moderate), in order to allow differentiation from those with severe difficulties, the ESN(S), who were brought into the Education System by the 1970 Education Act. The descriptions 'mild' and 'moderate' were a result of the 1981 Education Act. Throughout this thesis, references to special education, schools, and classes, allude to education for children with mild and moderate difficulties, with the common terms in use during the period used in each chapter. 'Marginal' is a relatively new term used to refer to children in mainstream schools whose needs can be met through a rearrangement of external resources.

Before compulsory education, the definition and selection of children with learning difficulties was not an issue. Once compulsory systems were established for both securing attendance and making some kind of assessment for the purposes of attracting funds through 'the Code', a crude 'National Curriculum', it became apparent that a significant number of children were failing to make progress without it being possible to account for their difficulties through reasons of either physical or severe mental defects. Pupils were originally marginalised not because of their educational needs but because they posed problems for ordinary schools in terms of funding.



This indicates that despite the attractiveness of the notion, education for children with marginal, mild and moderate learning difficulties did not develop purely as a result of a humanitarian desire shown by interested parties to provide appropriate education for those who would otherwise have failed in a system that could not cope with them. Humanitarianism played only a small part in the actions undertaken to develop an educational policy for those children with mild and moderate learning difficulties.

The framework within which this account of special educational policy development has been undertaken has incorporated Tony Booth's work for Unit 10 of the Open University course 'Special Needs in Education' [1982] which described the extremes in ideas about educational policy as, on one hand, a statement about the current situation and the desired direction for change in the future with details left unspecified; and on the other, as deliberate attempts to control or change events, and to bring a rational coherent philosophy to bear on social practice. Booth points out that the first extreme can be described as 'drift' where policy shaping by hint and suggestion results in very little or no change, with the consequence that, what may appear to be active policy conceals a lack of progress or change. He also suggests that the way professional groups dominate special education policy sometimes involves the subtle stage-management of drift.

Booth also draws attention to two major difficulties, firstly, that policy-making is always giving way to market forces and other factors such as the changing political and economic climate, so that even in times of stability, the

outcome of policy-making can still be drift; and secondly, that a centrally defined policy has to be implemented by others, which may result in a dilution of the policy for a variety of reasons, ranging from disagreement, and wilful undermining to an inability to complete an impossible task.

At its highest level, national policy represents a negotiation between the concerns of government and its citizens, with active policy being dependent upon knowledge, control and power. Shaping policy requires knowledge of the present situation and an ability to predict the result of new initiatives. To make a policy go in a particular direction the initiator needs power, with major shifts in policy involving changes in the distribution of power.

The implementation of national policy depends on the existence of smaller policy making units, which in this country is limited to LEAs, schools and the individuals within these institutions (who may have a disproportionate effect on this implementation). Alongside this are other local units such as groups of head teachers, who are representing their own interests rather than those of the schools or special needs pupils.

Despite continued polarisation of educational policy and its effect on LEA power, such as the current centralisation in terms of the National Curriculum and the Code of Practice, and decentralisation in terms of grant maintained schools and local management of schools (LMS), LEAs have considerable scope to improve or undermine national policy especially as the policy often comes to them in the shape of ambiguous legislation, hints and suggestions,

or optional directives and pronouncements which are open to a range of interpretations.

Special educational policy for the category of pupils discussed here has developed on a continuum between the two extremes suggested by Booth with a great deal of drift masquerading as active policy making and implementation. The vast majority of change has been subject to financial constraints and pressure for cuts in public spending, which have sometimes been enough to halt the development of provision without necessarily halting the development of policy. All development has been subject to interpretation by LEAs and has been dependent upon their ability to respond to what, for some, has often been an impossible task, especially in the years up to 1944.

Booth's framework for policy development touches on the framework of tension between the main interest groups involved in the development of a system for meeting special educational needs. The work of the sociologist Margaret Archer [1981, pg 1] provides a further dimension to this development. Archer suggests that education is the way it is at any one time because of the goals pursued by those with the power to modify current or previous practice. 'Education' in this sense is not viewed as an ideal form of instruction envisaged by one group, but the product of power struggles between vested interest groups involving concessions and compromises.

Archer asks two basic questions about the development of education systems;

- 1 Why does education have the particular inputs, processes and outputs that characterise it at any one time?
- 2 Why do the inputs, processes and outputs change over time?

Archer answers her own questions in what she describes as a deceptively simple way. She states that education is as it is at any time because of the goals pursued by those who control it and that changes take place because new goals are pursued by those who have the power to modify previous practice. The process of education is not seen as an ideal form of instruction envisaged by one group, but as the political product of power struggles between vested interest parties which involve concessions and compromises. To fully understand educational development at any time therefore involves understanding not only who won the struggles, but who were defeated and how badly they lost.

It is apparent, therefore, that despite the widespread attractiveness of the notion, that education for children with moderate, mild or marginal learning difficulties did not take place only as a response to a humanitarian desire shared by concerned and interested groups to provide appropriate education for those categories of children who could otherwise be deprived of it. While such principles undoubtedly motivated many of the individuals whose work is detailed in this study, an application of Archer's work, reveals a range of individuals and groups pursuing their own interests and goals in attempting to influence the developing system.

The two major participants in the struggles that shaped development are the Local Education Authorities and the central government department responsible for education, with most of the interactions between them being concerned with how the LEAs should fulfil the requirements of the legislation at any time. Struggles have also taken place within these bodies, and the idiosyncratic nature of LEAs and wide variations between them have resulted in wide inconsistencies in attempts to meet the needs of children as struggles have been repeated in each LEA with a wide variety of outcomes. The central authority itself has also experienced conflict with both the government of the day and with other government departments, most notably, the Treasury. At the same time, both organisations have been subject to disagreements between individuals and sections within them.

Further conflicts, which have resulted in changes in this form of special education, have also come about as a result of;

- committees and commissions set up to review current provision and make recommendations about future provision. These bodies were often constructed in such a way as to give specific vested interest groups control over the content and recommendations of the resulting reports.
- vested interest actions by groups working within LEAs such as psychologists, doctors, senior administrators and head teachers.
- pressure on the central government department and LEAs from other vested interest groups such as voluntary organisations, teachers representatives, or the medical profession, who developed an early interest in the problem.

- disagreements between strong-minded or prominent individuals within these groups.

Goal formation and achievement for vested interest groups has, however, been limited by the availability of the necessary finance to put into practice the resulting suggestions and compromises. A range of variables existing within each LEA has also had a limiting effect. These include;

- the ability, experience and commitment of schools, their policies and the teachers responsible for the education of the child with special needs;
- the attitude of parents towards special education and their involvement with the process of both assessment and teaching;
- the extent to which the child's needs have been identified, which may have revealed more about the interests and goals of the groups carrying out the assessments than the needs of the child;
- the extent to which the LEA may have been looking for the cheapest provision;
- the motives of mainstream schools and whether or not they were attempting to abdicate their responsibility, either by removing the child or by gaining extra resources;
- the level of influence of groups with interests in the developing system.

An application of the work of Foucault on the analysis of power relations adds a further dimension to the type of struggles described by Archer, which have taken place within the field of special education. The work of Foucault suggests the following elements could be considered;

- the systems of differentiation, usually established by law, tradition, or economic conditions which give prima facie positions for power relationships to be brought into play;
- the types of objectives pursued intentionally by those who act upon the actions of others when power relationships are brought into existence;
- the means of bringing power relationships into existence;
- forms of institutionalisation;
- the degree of rationalisation that elaborates and legitimises the exercise of power. [Ball, 1990]

Many of the participants in putting policy into practice with regard to children with mild and moderate learning difficulties are involved in a loose hierarchy of power which involves, progressively; ministers and officials in central government and its agencies such as OFSTED and the Audit Commission, LEA officers, others working within the LEA system including educational psychologists and support service staff, head teachers of special and mainstream schools, special needs coordinators, special needs teachers, class and subject teachers and special needs support staff. The actions of any of these can have an effect upon any or all of those below them while the child with special educational needs, whose existence provides the rationale for the hierarchy in the first place, can be affected by all of them. The objectives pursued by these participants may place importance on the needs of the child, but their actions will often be governed by elements related to their own agenda, autonomy and expertise. The system constructed to help children with special educational needs provides a means of bringing power relations

into play, providing well established structures at central government, LEA and school level. The necessary rationalisation of working together for the good of the child enables the exercise of power. There is a danger, therefore, that the needs of children with special educational needs can become peripheral to the exercise of power, despite their right to some protection from the Children Act, 1989, and Section III of the 1993 Education Act which encapsulates parental rights. It is the degree to which these participants exercise their power as advocates of such children that determine the manner and degree to which their needs are met.

Application of the ideas of Archer and Foucault to Booth's description of policy development related to the area of special education dealt with in this study reveals a system that throughout its history has been a long way from the attractive humanitarian view expressed at the start of this chapter.

Accounts of the historical development of special education have tended to deal with all categories of need that were thought to require separate or segregated special education. My purpose has been to take one group within this broad range of children with special needs together with those who have academic needs which have always been met in mainstream schools, and to trace the development of education for this larger group.

My specific interest, therefore, has been in what has happened to those pupils who have always been considered 'educable'. The descriptive terms used to identify these pupils have included feeble-minded, mentally defective, dull



and backward or remedial, in contrast to specific more quantifiable physical descriptions, such as 'the deaf', 'the blind', 'the physically handicapped' and 'the ineducable'.

My original starting points in this subject were the secondary sources, 'Origins', Unit 9 of the Open University Course 'Special Needs in Education' by Patricia Potts [1982], and the standard reference by Professor David Pritchard of the University of Lancaster, 'Education of the Handicapped, 1760-1960'. [1963] Both these documents dealt with all categories of difficulty but with very different approaches.

Patricia Potts' stated aim was to show why the system as it existed in 1981 was the way it was, unravel current confusions, and add a further dimension to the issues discussed in the course. The account was presented as one of many possible versions, emphasising a range of themes which included the influence wielded by the medical profession and voluntary societies, the way accidental or idiosyncratic features remained in the system for a long time, the way in which the economic and political climate encouraged or dampened development and the way special education arose out of universal state education. The emergence of the system was presented as being rooted in nineteenth century attitudes to the poor and the resulting fear instilled in society as shown by the activities of the eugenics movement, linking the Sharpe Committee (1898) and the Radnor Commission (1908) through the 'mentally deficient' category, to the Wood Committee (1929), concluding that it was social control that motivated the development of special educational

provision. The unit indicated clearly that development of provision for any category of 'handicap' did not progress in an orderly fashion, neither did it necessitate meeting the needs of pupils in the most appropriate way.

Linked to this Unit was a specially commissioned account of the 'Origins of Special Education' by Gillian Sutherland [1980], which was included in the reader for the course edited by Will Swann [1981]. It was described by Patricia Potts as a concise but comprehensive account of the development which weaved a web of political, social, academic, professional and financial elements. This once again provided an overall view of development rooted in the arrival of compulsory education, showing the significance of attainment testing and educational psychology.

Sutherland provided a further, more detailed account of the Sharpe-Radnor-Wood phase of development in her book 'Ability, Merit and Measurement : Mental Testing and English Education 1880-1940' [1984], in order to provide a context for tracing the development of quantification and precise measurement in the assessment process. She described the interest and role of the medical profession and the difficulties inherent in the ascertainment process, before going on to describe the development of a 'National Policy for the Sub-Normal Child' and the 'impossible statutory obligations' which resulted from the subsequent legislation.

Other works concerning special education have included an account of early development before developing specific themes. Sally Tomlinson [1982], for

example, in her book 'The Sociology of Special Education', included a chapter with the title 'The Social Origins of Special Education' to introduce a section on issues and dilemmas in special education. Kathleen Jones [1960] used a similar approach in her study of 'Mental Health and Social Policy, 1845-1959', concentrating on the effects of the Reports.

In all these works, the development has been constructed on the framework provided by the Reports of Committees and Commissions and the subsequent legislation. A more recent article in 'Education Policy' by Heyward and Lloyd-Smith, [1990] of the University of Warwick, attempted to assess the impact of legislation on special education policy. This study, dealing with all categories, made use of the work of both Sutherland and Tomlinson. It was written at a time when fears were being expressed for the future of those with special educational needs as a result of the 1988 Education Reform Act. In tracing the development of special education, they described it as 'deeply segregated' with the integrational policy of today being dependent upon the reversal of 100 years of historical development. They expressed the view that new policies for support in the mainstream in the light of constant pressure on resources would result in less effective provision for children with special educational needs. This for me, indicated the dangers of assuming that legislation dealt equally with all levels of special education, where clearly it does not. In making generalities about special educational legislation the activities of those working in the non-legislative field with the vast majority of pupils with special educational needs in the Warnock sense of 18-20% was denied. This larger group, the majority of whom have the mild learning

difficulties being discussed here, are not subject to formal statutory considerations, apart from the duty imposed on LEAs by current legislation to monitor all children with special educational needs in their area. Most of the work undertaken under the heading of 'special education' as it is currently defined, takes place in ordinary schools without it being subject to statutory assessment and review. It is questionable, in any case, whether special needs legislation for children with mild and moderate learning difficulties has ever been anything other than enabling.

Accounts of the development of special education tend to be constructed narrowly around the legislation and their related reports and the immediate results in terms of provision. These accounts also tend to describe the broad spectrum of difficulty and include physical, sensory and educational difficulties dealing mostly with the more severe '2%' of those needing special education.

The only recent significant contribution to this field emphasises this in the title, 'Outside the Mainstream' [1988]. This work by John Hurt of the University of Birmingham, deals with children with learning difficulties in his later chapters. Hurt's first sentence on the development of education for children with mild and moderate needs [Chapter 6, page 127] illustrates the kind of generalities such wide approaches can produce when he states that,

*'In response to the Egerton Commission's promptings, a number of school boards began making provision for feeble minded children'.*

While not an inaccurate interpretation of what happened in the 1890s, such a statement vastly oversimplifies the events that took place and the complex factors that were involved.

The definitive work by Pritchard [1963], which presented a positive view of development, has been quoted, without exception, by all those writing in this field. Pritchard traced the early pressures on central government and provided an account of the School Boards' first attempts to respond to the emerging needs by concentrating on the actions of the strong-minded individuals involved. He used evidence given to the Sharpe and Radnor investigations as his main sources. In subsequent chapters of this broadly based work he dealt with definitions, the role of the medical profession and the legislation, stressing that much of this early work was based on developments in Germany. In a further chapter he traced developments between 1899 and 1939, dealing with the 1944 Education Act and development to 1960 in short chapters which also dealt with other categories of handicap.

A significant increase in research and commentary about special educational needs has taken place in the last 15 years, initially following the publication of the Warnock Report and the implementation of the 1981 Education Act, taking a critical view of the implementation of special needs policy, moving further away from the idea that what was being undertaken on behalf of those with special educational needs was 'benign'. Examples of this were Sally Tomlinson's account of the construction of the ESN category which

questioned current practice, and the unit booklets and Course readers for the Open University Course 'Special Needs in Education'. This challenge to the assumptions related to special education policy continued throughout the 1980s with critical studies by, for example, Barton and Tomlinson [1984], Brennan [1982] and Swann [1989]. Further legislation in 1988 and 1993 which brought about widespread reforms within education added a further impetus to the critical analysis of special educational policy. Riddell and Brown [1994], for example, looked at the impact the reforms had on special educational provision, while Booth *et al* [1992] have provided examples of recent developments which includes a section on the difficulties faced by LEAs, and Bowe and Ball [1992] have examined the political context within which special educational needs have been developed within a context provided by the National Curriculum.

The reforms and changes within education in general at the moment and in special education in particular have resulted in a greater awareness of special educational policy and the reforms acting upon it. In the Preface to Riddell and Brown's definitive work on special educational policy development [1995], Sally Tomlinson states that policy analysis in this area is still universally difficult, reiterating that a precondition for understanding implementation and change in policy and provision in any aspect of state education systems is a careful analysis of educational politics and the ideological framework within which policies are developed and a study of the social interest groups who have varying degrees of access to the process of educational negotiation and varying degrees of power to influence events.

Despite the introduction of critical literature during the 1980s, she still felt that special education was described by ideologies of benevolent humanitarianism.

Riddell and Brown themselves suggest that there are two broad factors currently influencing policy;

- a) attempts in the 1970s to reconceptualise learning difficulties not as intrinsic to the child but as arising in the context of interaction with the environment,
- b) educational policy and legislation of the 1980s and 1990s which established centralised control over the curriculum and assessment, increased competition between schools through parental choice and a weakened power base for LEAs.

Until the 1980s there was comparatively little literature on educational policy. Commenting on this, Ball [1990] argued that even those who had written about educational policy had often failed to make their theoretical perspective explicit. He suggested that the lack of social policy literature in education was partly due to the fact that until the late 1970s it was assumed that post-war educational provision resulted from a consensus of the various political, cultural and ideological perspectives. Texts in the 1980s challenged the uncritical notions of consensus, demonstrating that post-war settlement should be seen as the outcome of contrast and struggle between a range of social factors.

Tomlinson [1982] argued that both research and policy analysis tended to explain the pattern of provision as reflecting the growth of humanitarianism. Such uncritical explanations, she suggests, conceal other important factors, such as the desire to exclude certain groups of children from mainstream schools and the vested interests of professional groups in promoting career structures in education. Oliver [1985] maintained that Warnock reflected this 'march of progress' view of special needs provision rather than its social control function.

Barton [1986] was more critical in questioning the motives of those providing services for children with special educational needs - 'what sociologists have agreed is the view that concern for handicap has developed as a result of progress, enlightened humanitarian interests is totally unacceptable - the experience of this particular disadvantaged group has generally been one of exploitation, exclusion, dehumanisation and regulation'.

Croll and Moses [1985] suggested that the views of Tomlinson and Barton ignored the very real needs of children with learning difficulties and the humanitarian concerns of their teachers, saying that such accounts fail to do justice to the very real difficulties experienced by some children. The fact that standardised testing forces some children to the bottom does not mean that these children do not have considerable difficulties - similarly the fact that categories of special educational needs are socially created and the application of them to particular children is imperfect does not mean that the difficulties to which they refer are not real.



There is a danger inherent in this type of conflict theory that any action may be interpreted as upholding the interests of the privileged groups so that all developments become suspect. [op cit, pg 5] It is important therefore to realise that some change, even while motivated by factors not related to the needs of the child, may still have a positive effect on those needs.

Riddell and Brown, argue that whilst a rigidly determined model is unhelpful, critical perspectives are essential to alert us to the economic and political context in which special educational needs are constructed and the power struggles surrounding policy.

A theme in Riddell and Brown's book is that although politicians might hope that legislation and policy directives would be implemented in a smooth and uncontested manner, the reality may be far removed from this, as policies are interpreted and subverted at all stages.

Hill and Bramley [1986] writing generally about the context of social policy pointed out that the distinction between policy-making and implementation was based on an important assumption in democratic government that policy is made by a group of politicians who are only answerable to the electorate, however, they maintain that there is empirical evidence to suggest that;

- a) 'policies' leave that part of the political system still highly uncertain or ambiguous or sometimes even contradictory,

- b) actions on the part of the system concerned with implementation frequently operate in ways which create or transform or subvert what might have been regarded as policies handed down to them.

These considerations, however, relate to policy as it is being developed at the moment and the various pressures that are being exerted upon it, but the concerns described and expressed in this study relate to a wider timescale, from the first attempts to define a policy in 1892 up to the present.

As already stated, accounts of the development of education for the categories of pupil under discussion has been punctuated by the major reports which have provided much of the evidence of how the system evolved, describing the existing organisation before making suggestions for improvements. It would be easy to assume that these Reports have driven the development, but it is my contention that, at best, they have only legitimised elements of current practice, such as Sharpe's 1898 acceptance of London School Boards model arrangements, and at worst undermined movements in the system that would have benefited the pupils involved, such as the Wood Report's extravagant proposals presented at a time of economic recession.

Local education authorities have been a significant factor in the development of special needs education because of the way in which they have to interpret information from a variety of sources. There are currently 116 LEAs in England and Wales, all of which interpret special needs legislation and central policy differently. The evidence offered here is not, therefore, intended

to represent a generalisation of all LEA practice but to provide examples of, on one hand, the difficulties encountered by authorities in the implementation of policy relating to the many and varied interest groups to which they must refer, and on the other, examples of positive responses. Much of the later evidence describes the actions of Northamptonshire LEA since the late 1970s, which was highlighted as good practice by both a House of Commons Select Committee [1993] and a report from the Audit Commission. [1994]

## NOTES

### *'Central Government and LEAs'*

Much of this study concerns the interaction between the two bodies responsible for education at national and local levels. These have been known by a variety of terms. The central government department for education has had its name changed several times. From 1870 to 1899 it was the 'Education Department', from 1899 to 1944 it was the 'Board of Education' with its own President, from 1944 to 1964 it was the 'Ministry of Education' under a Minister, and from 1964 it became the 'Department of Education and Science' (DES) with a Secretary of State. In 1993 it became the Department for Education (DFE) and in 1995 the 'Department for Education and Employment (DfEE). School Boards carried out local administration of Education up to 1902, (1904 in London). After this they were absorbed by County Councils that were established by an Act of 1898. These were elected bodies that took over many of the administrative duties that had been carried out since Tudor times by Justices of the Peace. During this century education has been dealt with mostly by of these authorities through Education Committees of Metropolitan, Urban and Rural councils. The terms 'LEA' and 'government department' or 'central government' are used generically in this study to refer to relevant bodies for all periods.

### *'Northamptonshire'*

The first special school in Northamptonshire was opened by the Borough Council in 1905, from which point onwards the tradition of care for those with special needs was established.

Local government related to education in the County has been organised as follows.

1890-1902	School Boards in the principal towns (and some smaller areas) including Northampton, Wellingborough and Kettering.
1902-1974	Two authorities Education Committee of Northampton Borough Council Education Committee of Northamptonshire County Council
1974 -	Education Committee of Northamptonshire County Council

The County of Northamptonshire is made up of three distinct parts, the large centre of industry and population of the town of Northampton itself; the mainly rural south half of the county containing two small towns Daventry and Towcester; and the more industrialised north containing the larger towns of Kettering, Wellingborough and Corby.

### *'Special Education'*

When used in the text the above term and those related to it should be taken to mean special education for children with mild and moderate learning difficulties and unless the context makes it clear that a broader interpretation is required.

### *'System'*

Although 'system' is used to describe the varying framework within which special needs education for this category of pupils is organised, the term is used loosely as shorthand for the variety of arrangements made by varying numbers of LEAs at different times, and is not used to suggest that a highly structured uniform system exists or ever has existed.

## Chapter 2

### Methodology

The initial intention in writing this thesis was to provide an historical account of the development of education for children with marginal, mild and moderate difficulties in learning from their initial identification and the first attempts to set up an alternative form of provision up to the present day. It was intended to use primary sources to construct a series of 'snapshots' of the system, based around the significant reports of Committees and Commissions which were either set up in response to concerns about this category of difficulty or included a significant inquiry into how these difficulties were being addressed.

This basic documentary framework consisted of the following reports:

- The Departmental Committee on Defective and Epileptic Children [1898] (The Sharpe Report) established in response to the difficulties experienced by School Boards in financing Schools of Special Instruction.
- The Royal Commission on the Care and Control of the Feeble-Minded [1908] (The Radnor Commission) appointed in response to fears about the dangers posed to society by the feeble-minded.

- The Mental Deficiency Committee [1929] (the Wood Report) set up in response to concerns about the difficulties of implementing the special needs legislation of 1914 and 1921.
- The Committee of Enquiry into the Education of Handicapped Children and Young People [1978] (the Warnock Report) created in response to concerns about the former 'ineducable' category.

Unit 15 of the Open University Course 'Special Needs in Education' suggests that there are two approaches to describing the history of special education.

- 1 a cumulative approach to expanding provision which explicitly or implicitly approves of concurrent development in voluntary specialisation and professionalism with the assumption that a more elaborate system is a better one and that the story of the last 100 years is one of progress such as that presented by Pritchard and the account provided in the Warnock Report which was based on Pritchard.
- 2 a rejection of this fundamental assumption that the growth of special education can be equated with steady improvement and asks questions about the past which yield different interpretations from Pritchard and Warnock. An example of this is found in Ryan's work for the Open University, where the task was seen as giving a voice to people who had no history by tracing the changing definitions and concepts of mental handicap. [Open University, 1981, pgs 13-14]

The history of policy development for the section of the special needs spectrum being considered here reveals long periods during which central

government and LEAs failed to make effective provision for a group of children recognised by legislation as having a legitimate right to a specialised form of education, except in a few isolated pockets. Nevertheless, there is much about this development that can be presented in a positive light, particularly - but not exclusively - in the period following the 1981 Education Act up to the present day. Discarding the notion that change represents progress, does not necessarily mean that progress did not take place.

In writing an historical account of this form of education it has been necessary to provide a level of narrative to convey the sense of change through time, set within the context of description. This has been provided, to an extent, by the official reports listed above, which focused specifically on the state of the system and the concerns for its future which were relevant at the time. The Reports provided the framework and divisions on which this study is based. The analysis and the related description was therefore centred around these static points which were linked by narrative.

The initial approach to the primary sources was therefore wholly historical representing a 'dialogue between past and present' with the history of this category written from the point of view of the relevance of integration, an overriding concern when the study was initiated. Because there was a great deal of concentration on primary sources in the early periods, especially the Minutes of Evidence to the Committee on Defective and Epileptic Children and the Radnor Commission, and information from the Public Records Office related to the Mental Deficiency Committee, there was much interpretation

of evidence that was at variance with some previously published accounts. This was partly to do with my own interests in concentrating on this specific area of the development of special needs education, partly to do with the time of writing (1987-1996) and partly because I was going deeply into the primary sources and suggesting new accounts for what had happened, having rejected the assumptions of 'change as progress' and a 'benevolent' rationale that had driven the development.

Historical research has been defined by Cohen and Manion [1994] as the systematic and objective location, evaluation and synthesis of evidence in order to establish facts and draw conclusions about past events, an act of reconstruction undertaken in a spirit of critical enquiry designed to achieve a faithful representation of a previous age. The act of historical research can involve the identification of a problem or an area of study, the formation of a question, the collection, organisation, verification, validation, analysis and selection of data, and answering of the question. In my case the original question was;

*What contribution have local education authorities made to the development of education for children said to have mild and moderate difficulties with learning and what limitations have been imposed on them during this development? Where appropriate, give specific reference to events in Northamptonshire.*

They also defined some of the values of historical research, which in undertaking this study, I feel I have attempted to embrace. These include;



- that it enables solutions to contemporary problems to be sought in the past,
- that it throws light on present and future trends,
- that it stresses the relative importance and the effects of the various interactions that are to be found within all cultures,
- that it allows for the re-evaluation of data in relation to selected hypotheses, theories and generalisations that are generally held about the past,
- that it helps us understand how our present educational system has come about which in turn can help to establish a sound basis for further progress,
- that it can show how and why educational theories and practices developed,
- that it enables educationalists to use former practices to evaluate newer emerging ones,
- that it allows recurrent trends to be more easily identified and assessed from an historical standpoint
- that it can contribute to a fuller understanding of the relationship between politics and education, between school and society, between local and central government and between teacher and pupil. [op cit pgs 44-46]

My basic methodology therefore has been to use the Reports and other documentary sources to reconstruct the antecedents to the Commissions and Committees, the views and associated concerns reflected in the subsequent documents, and the desired framework for change, which was generally

expected to bring about an improvement. Having described the 'desired' outcome, I then provided a narrative describing what actually happened, illustrated where possible with examples related to LEA actions.

At the outset of this study in 1987 it appeared a straightforward task to include a short chapter at the end, bringing the narrative to the present day with some comments about the current impact of the Warnock report, the gradual but slow increase in integration and the establishment of support services to help mainstream schools to cope with a wider range of pupils in line with the recommendations of Warnock. Although there were still limitations in the way the 1981 Act was being implemented by LEAs, the system as it existed at this point could be seen as one which could be serving pupils with special educational needs into the next century. Having carried out my intended historical research, I then expected to bring these post-Warnock events up to date on completion of the thesis, almost as a postscript.

However, since my first draft of this work was completed in 1988, the world of education has been turned upside down, with new reforms taking place with a rapidity that sometimes seems to be beyond the scope of most educationalists to cope with. The reforms which affect special educational needs, although significant, represent only part of a whole range of changes that face heads and teachers, particularly in mainstream schools, with the danger that their significance and the priority that can be given to them, could be reduced as a consequence. The increased workload and level of accountability have changed the way those working directly with children think.

These current reforms, which have been imposed, rather than negotiated in the way that had characterised the history of education up to this point, represent, for many, the domination of the Right in the development of educational policy. Apple [1989] has explained it as follows.

*'The social democratic goal of expanding equality of opportunity (itself a rather limited reform) has lost much of its political potency and its ability to mobilize people. The 'panic' over falling standards and illiteracy, the fears of violence in schools, and the concerns with the destruction of family values and religiosity, have all had an effect. These fears are exacerbated and used by dominant groups within politics and the economy who have been able to move the debate on education (and all things social) onto their own terrain, the terrain of standardization, productivity and industrial needs. Since so many parents are justifiably concerned about the economic futures of their children - in an economy that is increasingly conditioned by lowered wages, unemployment, capital flight and insecurity - rightist discourse connects with the experiences of many working-class and lower middle-class people.'*

In interpreting what Apple has said, Troyna [1994] describes the 1988 Education Reform Act as emblematic of these political processes, threatening to bring about the most fundamental reconstruction of education in over forty years, not developing what had been established in 1944 but replacing it. Subsequent legislation, including the 1993 Education Act has consolidated this ideological rationale and extended some of the substantive measures

within the Reform Act, leading to a restructuring of the system along market led lines.

One element of the historical methodology used was to make use of primary sources related to local education authorities to illustrate the way special needs policy was either generated independently or put into practice following definition by central government. In the early chapters, for instance, this narrative centres around events in London with supportive material provided by the minutes of Evidence to Sharpe and Radnor. In the later chapters, which are extra to the original framework, much of the information relates to Northamptonshire, due mainly to the availability of the evidence and my own role in putting LEA policy into practice. It was not my intention to provide a case study of the development of education for children with mild and moderate learning difficulties in Northamptonshire, although it has developed as a sub-theme with information about developments in the County included throughout the period of the study, establishing the principle that Northamptonshire LEAs have responded with positive, although sometimes isolated, policies.

I have attempted to provide a qualitative study which Ely has described as being forged in the transaction among what is done and learned and felt by the researcher. Ely [1991, pg 1] defines the characteristics of qualitative research;

- events can be understood adequately only if seen in context;
- contexts of enquiry are not contrived they are natural, nothing is pre-defined or taken for granted;
- qualitative researchers want those studied to speak for themselves in words and other actions;
- qualitative research is an interactive process in which those studied teach the researcher about their lives.

Ely also refers to the view of Sherman and Webb [1988] that qualitative research implies a direct concern with experience as it is 'lived' or 'felt' or 'undergone' having the aim of understanding experience as nearly as possible as its participants feel it or live it.

My methodology has attempted to embrace these principles in two different, but complementary ways, anchored firmly in what has been written down. On one hand, for example, by absorbing myself in the Minutes of Evidence and Public Record Office files, in order to identify as closely as possible with the important figures who are described in my narrative, including Major General Moberly of London School Board who initiated the first official LEA discussions on the subject, Elizabeth Burgwin, LSB's first Superintendent of special schools who sat on Sharpe's Committee and gave evidence to the Radnor Commission, and the medical experts Shuttleworth and Tredgold who wrote extensively on mental defect, while on the other, listening to, observing and informally questioning those in power in Northamptonshire.

I have not undertaken formal interviews of subjects for the following reasons.

- I could only apply this approach to those in the system within which I worked, I was not able to interview the historical subjects of the earlier part of the thesis.
- I had undertaken an interview with the Assistant Chief Education Officer responsible for special needs early in the study, but found I was being given predictable official policy statements which reflected the view of the system that the LEA wished to promote rather than the one I felt I was operating within, which seemed altogether more chaotic and less effective. I also felt I was being pressured to show the authority in a positive light.
- I found it more profitable to construct my view of special needs policy in Northamptonshire by examining the vast documentation issued by the LEA in attempting to define and shape policy, by listening to them explain their interpretations of the policy and by questioning those with the responsibility of putting the policy into practice, using this information together with my own insights and experience to describe what was happening.
- Education Department personnel have often changed roles suddenly with some Officers having responsibilities for special educational needs thrust upon as a result of internal re-organisation when they have very little knowledge of the subject or experience in the area.

Scientific methods, including the use of statistics have not been used, although specific figures have been used at various points to demonstrate and

reinforce the narrative, such as the number of segregated places available compared to the number of children identified.

By far the greater part of research in historical studies is qualitative because the proper subject matter consists to a great extent of verbal and other symbolic material emanating from a society's or a culture's past. [Cohen and Manion, 1994, pg 54]

Finch [1986] has stated that qualitative research encompasses techniques which are not statistically based but are especially suited to small scale analysis in which the researcher attempts to get to know the social world being studied at first hand especially through participant observation and interviews of an in-depth and unstructured or semi-structured variety, supplemented where appropriate by the use of documentary sources. These methods allow greater flexibility.

The qualitative researcher looks not so much for 'causes' as 'meanings' - uncovering the meanings of social events and processes based upon understanding the lived expression of human society from the participants point of view. Understanding the antecedents of the system within which I work has helped me to gain insights into current policy development which would otherwise be unavailable to me.

Troyna [1994] has shown that since the early 1980s there has been a burgeoning of education policy studies which give centre stage to social

scientific interpretations to the antecedents, production and orientation of educational policy, which are described by Grace [1989] as 'policy scholarship' which contrasts favourably with studies undertaken by what he calls 'policy scientists'. Research along these lines can be seen as reactive and infatuated with the description and evaluation of organisational reform, management improvement and implementation strategies and procedures. Others prefer to place their studies in the self-proclaimed discovery of 'education policy sociology' which suggests more theoretically sophisticated and historically informed approach to policy studies.

Troyna does not suggest that recent studies have made a clean break with the earlier, atheoretical, value free and objective status of policy studies. Rather they continue along the 'policy science' road by sacrificing the elaboration themes on the altar of abstracted empiricism. Ozga [1990] sees these studies as being more concerned with the accumulation about particular issues than positioning their analysis in the 'bigger' picture of the role of the state in educational policy making.

Significant differences are apparent in the way those working in the field of education policy 'scholarship' have operationalised their research designs, some such as McPherson and Raab [1988] have relied on interviews, others have derived their empirical evidence from a range of sources including LEAs. All in all 'methodological' empiricism reigns supreme in the sub-field of education policy study. Examination of changes in educational policy has been undertaken in terms of documentary evidence. Salter and Tapper in



their book 'Education, Policy and the State', [1981], thoroughly described the way education policy changed in a variety of forums including local and central government, purely from the perspective provided by written evidence.

According to Halpin [1994] qualitative approaches are currently most favoured by education policy analysts. Qualitative approaches need to avoid the risk of telling us a great deal about the fine grain detail as the assumptive world of policy makers and the context in which their policies are implemented and very little about the effects that certain policies have in terms of improving things or making things worse.

Although this basic approach has been used throughout the work a further personal element has been incorporated into chapters 4, 5 and 6, which deal with development from the 1970s to the present day. The available literature and other sources have been interpreted to an extent, through personal experience of working within special education in Northamptonshire, at a residential school for ESN(M) boys (1976-1981), in a speech and language unit integrated into a mainstream primary school (1981-1987), in a support service for children with learning difficulties (1987-1993) and as a senior teacher with the Educational Psychology support service (1993 to the present). The account of this development has, nevertheless, been structured around primary evidence related to the events in Northamptonshire but interpreted in relation to the personal experience of actually putting policy into practice.

Information regarding Northamptonshire in the earlier chapters has been extracted from primary sources in the County Records Office.

This research is not, therefore, an attempt to shape or influence national policy directly, but rather to inform those on the ground, including colleagues, teachers in mainstream schools, LEA staff, head teachers and school governors.

A 'disciplinary' model has been used, with the goal of contributing to both specific knowledge in this area and to ongoing development at LEA level by modifying the assumptions that can be made about why the system is in its current form.

A significant part of what I am attempting to do, therefore, is to discover the extent to which those dealing with the greater proportion of special needs are coping with these current pressures, fulfilling, in part, Troyna's description of where research into education policy is carried out 'by flesh and blood figures who are engaged in real life activities'. In the account of events within Northamptonshire since the Warnock Report, which forms the substantive part of this work, I have been able to work from the perspective of a participant, not merely an interpreter of what went on.

## Chapter 3

### Schools of Special Instruction 1892-1906

*The origins of special schools and classes for children with difficulties in learning. The Report of the Departmental Committee on Defective and Epileptic Children. The Permissive legislation of 1899.*

This chapter provides an account of the early development of provision for children experiencing learning difficulties that resulted from the independent action of education authorities, along with an account of the system as encountered by the Departmental Committee on Defective and Epileptic Children, the legislation that resulted from this committee's recommendations and further development following the legislation.

The School Boards made the major contribution to this development although voluntary groups provided the original pressure on central government to take action and raised awareness generally. The Departmental Committee allowed other groups, most notably the medical profession and the Education Department to exert considerable influence on the system, but the resulting enabling legislation meant that education authorities remained the significant contributors to development. The major constraints on LEA action, where it was undertaken during this period, were lack of finance and uncertainty because of the non-involvement of central government. Difficulties inherent in the system, including problems with ascertainment

and the use of segregation reflected further constraints to the development of a wholly appropriate response to the needs of all pupils.

Development of a separate form of education for children with learning difficulties started in the last decade of the nineteenth as a result of the realisation that there were children in elementary schools who could not cope with the demands being placed upon them, a situation brought about by the establishment of compulsory education. The introduction of local government for education in the form of school boards allowed the first attempts to establish provision for this group of children to take place.

The precursor to this development, access to education for all, had taken many years to be established. The principle had been proposed as early as 1792, but was not put into practice because it was thought it would spread dangerous notions and discontent. The desire to instruct the poor in religion, the attainment of a certain amount of political power by the working class, and the need for some members of this class to be able to read and write for technical reasons in an expanding industrial society, combined to create a need for the education of the poorer members of society. This need was met in the early years of the nineteenth century by two voluntary religious organisations, the Anglican National Society and the non-conformist British and Foreign Society, but they were unable to provide sufficient places to meet the growing demand. As a result, central government contributions, which allowed the societies to continue their work, started in 1833.

The amount of grant required increased significantly each year and in 1839 a special Committee of the Privy Council was formed to supervise the expenditure and to ensure that the taxpayer received value for money. Conditions were set for the future award of grants which meant the schools had to submit to regular inspection. These conditions were eventually revised and published as an 'Educational Code' creating a system known as 'payment by results'. Despite this assistance, the Societies were still unable to meet demand, and eventually the government intervened with the 1870 Elementary Education Act which allowed the establishment of School Boards in areas where the Societies were not able to provide sufficient places.

The new Boards were democratic bodies, with between 5 and 10 members, elected either by Burgesses in municipal districts or ratepayers in other areas. The Boards represented a significant move forwards in terms of democratic local government because there were no qualifications of residence or sex imposed on members. This enabled women to enter public service for the first time. The Board in London was established by the 1870 Act. It had 45 members elected by ratepayers. Compulsory school attendance was established by further Education Acts in 1876 and 1880. [Lawson and Silver, 1973, pg 321]

The establishment of an education system for the poor, where schools were dependent for their financial viability on the academic achievements of their pupils led to the slow realisation that there was a significant number of children who could not cope with what they were expected to do. For many,

the difficulty could be explained by some obvious 'defect', such as limitations in hearing or sight, or severe and complex intellectual problems. The largest problem group were those who were not able to learn easily. These pupils had been described in National School log books as early as the 1860s as 'backward': [St Andrew's National School, 1860]

Before the 1880 statutory requirement of universal compulsory education, illiteracy had not been seen as a serious problem, as it could be accounted for by lack of opportunity. Education was often put aside for vital tasks, such as harvesting, especially in rural areas, and there was always a great deal of absence because of illness, and education was not afforded a high status. It was thought at first that these weaknesses would be eradicated by the introduction of compulsory education, but it soon became apparent that this would not be the case.

Children with serious physical difficulties were dealt with through alternative provision where this could be arranged, while those with very severe learning difficulties were certified as 'idiots' or 'imbeciles' and excluded from schools altogether. The dividing line between the 'educable' and the 'ineducable', however was largely an arbitrary separation that could vary a great deal.

The initial consideration of the problem was not undertaken within school boards, however. The first demands for action for some of this group of children with learning difficulties, who were unable to learn, came from the

Charity Organisation Society (COS). [Mowat, 1961, pgs 45-60, COS, 1877] Established in 1869, this body made use of the spare time of wealthy people. Its aim was to 'reconcile the divisions in society' by removing poverty and producing a happy self-reliant community'. It acted as an 'umbrella' society, organising and coordinating the work of other charities in order to reform both 'society' and 'charity'.

The first suggestion of help for children with learning difficulties that could be undertaken by individual teachers and schools came from Dr George Shuttleworth [1885, Chapter 6]. He was a well established expert on mental defect who felt it would be appropriate to establish special departments in Elementary Schools for those children who could not meet the requirements of the 'Code'. He believed that the nation had a Christian duty to educate those of weak mental capacity and that, in the long-term, such action would be economically sound because of the realised potential of those who would otherwise end up in asylums. Shuttleworth's work drew attention to the perceived importance of 'signs' in the ascertainment of limited mental capacity. He also described the significance of manual instruction in meeting needs, not only as an appropriate form of training but also to ensure that those considered to be 'feeble-minded' were able to become at least partially self-supporting. Most important, however, was the link he established between 'mental defect' and 'learning difficulty'.

In 1888, COS, in conjunction with medical bodies commissioned an investigation into the incidence of what was becoming known as 'feeble-

mindfulness' in order to put pressure on central government to define policy for children with learning difficulties. The survey, which was to take several years to complete, was undertaken by Dr Francis Warner, a physician at the London Hospital. [Warner, 1894]

A further source of the increased awareness of children with learning difficulties had been the 'over-pressure' debate of the 1880s, which had considered the idea that compulsory attendance at school adversely affected the physical and mental condition of children. A Report in 1884 stated that 20% of school children were backward. [Sutherland, 1984, pgs 7-8]

The first official consideration of the problem relating to the education of children with learning difficulties took place in 1889 when a Royal Commission under the chairmanship of Francis Egerton, published a Report on the education of the blind and deaf. This resulted in legislation which provided a segregated form of 'special education' for these groups. As a result of pressure from the COS, the 'feeble-minded' had been included in the terms of reference of the Commission, but little consideration was given to the problem in the Report apart from a reiteration of Shuttleworth's views in recommending that 'feeble-minded' children should be separated from ordinary children and receive separate instruction. [Royal Commission, 1889]

When the subsequent legislation was prepared the COS unsuccessfully attempted to have the 'feeble-minded' included. [Mowat, 1961, pg 76, COS Minute Book, 1890] The admission by central government that the blind and deaf warranted assessment, provision, organisation and legislation was



significant for the education of children with learning difficulties as it established the first form of 'special education'.

Despite the interest and involvement of both the medical profession and voluntary organisations in the 'feeble-minded' debate, it was not until the School Boards looked at the problem that a start was made in meeting these needs. It was usually individual members and officers of the Boards that provided the impetus for development rather than the education authority as a body, however. Many members remained sceptical about both the action and the cost involved.

Defining policy and putting it into practice took place within the Boards, despite the financial constraints, with the first responses to the problem following the Egerton recommendations of separation from ordinary children. The first education authority to consider the problem seriously was the London School Board. The vice-chairman, Major-General Moberly had developed an interest in the subject in the late 1880s when he had failed to secure a place for a child who had been brought to his attention at Darenth, a large Poor Law establishment for 'imbeciles' opened in 1878. The Medical Officer of the Board of Guardians would not certify this child as ineducable, but her neighbourhood school felt unable to teach her. He resolved the problem by obtaining a place for her in a private asylum where she improved 'beyond recognition'.

In 1891, as a consequence of this experience, Moberly persuaded the Board to create a committee to consider the Egerton recommendation which concluded that it should be implemented. Elizabeth Burgwin was appointed as Superintendent of Schools of Special Instruction in the same year to develop and organise provision. [Daynes, 1976, London School Board, 1896, Education Department, 1898b, Evidence of Moberly, para 3569]

Before the London schools were established, however, Henry Major, an inspector with the Leicester School Board, established a small class in April 1892 for children who were considered neither 'imbecile' or 'dull and backward'. Most of the children who attended this class would normally have been excluded as ineducable rather than returned to the elementary school. Leicester School Board had established integrated provision for slow learning pupils with Standard 0 classes, at variance with the Egerton recommendation. [op cit, Evidence of Major, paras 4574-4611,4718]

The London classes were much more serious and well organised. The teachers, all women who had previously taught in Elementary Schools, were paid an extra allowance, with contracts that were reviewed every 5 years. The provision was usually established in schools of three classes with one member of staff being designated as the 'teacher-in-charge'. She was responsible to the Superintendent who was accountable to the Special Schools Sub-Committee. [op cit, Evidence of Chard, para 1429] By March 1893, the Board had provided 269 places in 6 schools. The total number on roll was 230 with an average attendance of 138 (60%). [London School Board, 1896]

Nottingham School Board became the third authority to establish separate provision. They set up a school organised on kindergarten lines lacking a formal syllabus and a detailed timetable with a curriculum based on directed play. Prospective pupils remained in infant schools and departments until the age of 8, as it was felt that this was the most appropriate placement until that age, a pattern that was generally repeated wherever provision was established. [Education Department, 1898b, Evidence of Nottingham School Board, para 6573]

The fourth Board, Bradford, opened their first class in 1894 and a further four the following year. The development of these schools was guided by an ambitious Medical Officer, James Kerr, who was later to work for the London School Board. [op cit, evidence of Kerr, para 589] From the very beginning, diversification was a characteristic of the way in which Education Authorities established special provision.

Despite these initial attempts by School Boards, there was still no national policy from central government on meeting the needs of children with learning difficulties. In any case, even these early innovations were not without difficulty. A major problem for these pioneering Boards was the cost of Schools of Special Instruction. Many Board members in areas where special classes had been established remained unconvinced that they were a good idea, and as a political consequence costs were usually kept as low as possible. The cost of establishing special schools in London, for example, was

only slightly higher than Elementary Schools but the expense of maintaining them was almost double.

By 1895 the LSB were finding it increasingly difficult to supply and maintain places out of their existing resources. Several letters were written to the Education Department urging them to increase the money for special schools to a higher level than Elementary Schools, either by increasing the grant to the same level as the Blind and Deaf schools or through legislation. [Daynes, 1969] Pressure for intervention by the education department continued to grow throughout the 1890s, and the independent actions by the Boards, together with requests for improved grants and continued pressure from voluntary organisations, meant that some response from central government was inevitable.

This involvement started with a letter to 19 Boards asking for information on the way children with learning difficulties were being dealt with. [Public Record Office File ED50/90, 1895] Of the Boards that replied, only two (Bradford and Leicester) already had their own provision, although Brighton was in the process of setting up a class. The Boards in Birmingham, Bristol, Leeds, Newcastle and Oldham had assessed the number of children that would require 'special' education, but had taken no further action at this time. The Sheffield Board suggested the use of 'philanthropic efforts under medical supervision' and the Liverpool Board insisted that they were not experiencing any problems. The Education Department felt unable to make any practical suggestions on the basis of these replies and let the matter drop.

The Education Department letter hastened the establishment of the class in Brighton as a result of the efforts of Annette Verrall, chairman of a sub-committee appointed to deal with special education. [Education Department, 1898b, Evidence of Verrall, para 2208] It opened in 1895 with 10 children who had been selected by Francis Warner. [op cit, Evidence of Warner, para 618] Verrall exerted considerable control over this class. Referrals were all made directly to her. They came from parents, school attendance officers and the clerk to the council, but not teachers or the medical officer. Even though the sub-committee made official placements, she would make a preliminary assessment and allow a child's attendance to start before the Committee had met if she felt placement was appropriate. The Boards in Birmingham and Plymouth had established classes at the same time.

By 1896 this 'unofficial' system was becoming too large to be ignored any longer by the Education Department. The London School Board had continued to establish classes and now had 24, and there were as many other small-scale efforts being attempted in other parts of the country. The medical profession and the charitable organisations had both expressed ideas on the best way of dealing with 'feeble-minded' children, and a precedent had been set with the establishment of the first official special schools under the 1893 Blind and Deaf Act. Further consistent development, that would not be haphazard or generated only from the enthusiasm of strong individuals, would require financial backing, a legal framework and specific guidelines from the Department. In May 1896 a deputation from the LSB which included Moberly, Burgwin and the Medical Officer, Dr Smith once more urged the

Department to take action. [London School Board Minutes, 1895] Following another Memorandum from the COS and further representations from the School Boards, The Duke of Devonshire, Lord President of the Privy Council, of which the Education Department remained a sub-division, finally decided to take action, and in December 1896 appointed the 'Departmental Committee on Defective and Epileptic Children' to consider the matter.

The Chairman was the Reverend T W Sharpe, Chief Inspector for Schools for the Education Department. He was joined by H F Pooley, Senior Examiner at the Department, who was also a witness, providing evidence on the working of the Blind and Deaf Act; A W Newton, an HMI who provided evidence on the situation in London; Dr Shuttleworth, Miss Pauline Townsend, a member of the Council of the Association for Promoting the Welfare of the Feeble-Minded, Dr Smith, the Medical Officer of London School Board and Elizabeth Burgwin. Hugh Orange, an Education Department high-flyer, was the Secretary. [Education Department, 1898a]

The terms of reference relating to the 'feeble-minded' were;

*To inquire into the existing systems for the education of feeble-minded and defective children not under the charge of guardians and not idiots or imbeciles and to advise any changes, either with or without legislation, that may be desirable.*

*To report particularly upon the best practical means for discriminating on the one hand between the educable and non-educable classes of feeble-minded and defective children and on the other hand between those children who may properly*

*be taught in ordinary elementary schools by ordinary methods and those who should be taught in special schools.'* [op cit, III]

The Committee questioned 46 witnesses in 40 interviews carried out in 28 sessions between February and June 1897. They visited the Poor Law institution, Darenth, and all the existing special establishments except the class run by Nottingham School Board, from whom they received written evidence. The witnesses reflected the interests of the Committee and included the medical profession, education authority representatives, voluntary organisations, teachers, and Her Majesty's Inspectors.

Despite the practical work undertaken by the School Boards in developing policy, it was the medical profession that were immediately seen as the dominant group when it came to saying how provision should be organised. Their interviews were much longer than those of other witnesses and their views more readily accepted.

The Committee first attempted the difficult task of defining the type of child they were discussing. The terms 'defective', 'mentally defective', 'feeble-minded', 'dull and backward', and 'imbecile' were all in use at the end of the nineteenth century and they were all, at one time or another, synonymous with each other. The term 'defective', as used in the Committee's title could refer to both the 'physically defective' and the 'mentally defective'. Despite the confusions in both the terminology and the dividing line between the sub-categories, the discussion concerned children who were clearly 'educable'. It

was also clear that it was the intention of the Committee to discover the best way to educate them rather than the best way to exclude them.

A division was drawn between those who could benefit from instruction and 'idiots', who, it was thought, could not. 'Idiots' were legally defined as incapable of improvement and were, therefore, beyond the consideration of the Committee, but the question of 'educable imbeciles' required consideration because of their presumed capacity to be trained. [Education Department, 1898b, Evidence of Shuttleworth, para 9] 'Feeble-minded' was the most widely used term to refer to an individual with a 'mental defect' which was less severe than 'imbecility' but more severe than 'dull and backward'. This became the basic term used by the Committee and its witnesses. It was also usually synonymous with 'defective' as the numbers and difficulties of the 'physically defective' were of less significance to both the Committee and the majority of the witnesses.

George Shuttleworth, the first witness, provided the Committee with a memorandum, which proposed that 'imbecile' should refer to all children who, because of mental defect were incapable of being educated to become *self-supporting*. Both Warner and Shuttleworth felt that the 'feeble-minded' should eventually become wholly or partially self-supporting and that special instruction would prevent children from becoming paupers or vagrants. [op cit, Evidence of Shuttleworth, para 40, Evidence of Warner, para 837] This 'self-supporting' element in the definition was later to become important in judging the success of this form of special education. The Committee refrained



from attempting a technical definition of the terms 'defective' or 'feeble-minded', instead accepting a category of exclusion; not bad enough to be 'imbecile', not good enough to be 'dull and backward'.

The next task for the Committee was to decide how children should be selected for this 'category of exclusion' and to decide who should be responsible for making the decision. Current practice in London was to classify children as defective when they were unable to be taught ordinary subjects in ordinary schools with ordinary children. [op cit, Evidence of Beach, paras 288-290] A formal procedure existed for children already attending LSB schools, in which teachers contributed by filling in a standard form which had been devised by Dr Smith. This described the mental capacity of a child in terms of observation, initiative, attention and memory. The quality of information gained through this method was not highly considered by medical staff and teachers were continually being urged to complete them with greater care and accuracy.[op cit, Evidence of Whenman, para 2700] In most areas, once a child was identified, it was a Medical Officer, usually employed by the LEA, who was responsible for finding out what was known about the child and for making the decision about placement. Children in London, once identified, would be given medical examinations in batches. They would then be sifted by a Committee made up of Smith, Burgwin and the local inspector. [op cit, Evidence of Chard, para 1328]

Witnesses from the medical profession felt it was they who should control the ascertainment process and entrance to special classes. The contributions and

insights of teachers and others involved with the child were considered peripheral to the information a medical officer could acquire in just a few minutes. Kerr, for example, stated that the only possible form of entry to a special class should be through a medical certificate because only someone with medical training would be able to judge all the elements that made up a defective child. [op cit, Evidence of Kerr, para 623] Warner on the other hand, felt that the decisions should be taken by the Education Authority on the basis of the information from both teachers and medical officers. He also suggested that children should be re-examined on a regular basis and that parents and teachers should be able to nominate children for special classes. [op cit, Evidence of Warner paras 822-848]

The first five witnesses to the Committee all had medical backgrounds and were collectively successful in establishing the credibility of their claim to be responsible for the ascertainment process. The importance of 'physical signs' in the process was also established. This had resulted mainly from the work and influence of Warner and Shuttleworth. The latter stated that it had been proved conclusively through the examination of a large number of children that a considerable proportion had inherent physical defects in 'make, nutrition, and muscular and nervous actions'. He was convinced that those suffering from mental defect possessed physical signs which proved it. [op cit, Evidence of Shuttleworth, paras 3,27] The 'experts' however, disagreed on which 'signs' they should use. Kerr, for example, felt that the most significant 'signs' were, a curved little finger, peculiarities of the earlobes, and size of head, which together with further signs resulted in a '*tout ensemble*' that

could not be described but which a medical man would recognise at once. [op cit, Evidence of Kerr, paras 434-437] Although convinced of the value of 'signs' in the ascertainment process, Warner sounded a note of caution by stating that 'it would not be wise to advise reliance on these physical signs alone as justification for admission to a class of defective children unless they had been found by others to be exceedingly dull'. [op cit, Evidence of Warner, para 953]

Warner's significance as a witness was partly due to his work as the main investigator of the survey commissioned by the COS and others in 1888. [Warner 1894] This work enabled the Committee to quantify the incidence of mental defect in a way that enabled some planning for the future. The original study of 50,000 children had been extended to 100,000 in 1893, and was complete by the time of the examination before the Committee. [Education Department, 1898b, Evidence of Warner, para 717] It was thought that Warner's results could be regarded as accurate because of the large number of children involved.

Warner had seen all the children included in the final figures of his survey personally, usually in the company of the Medical Officer for the area. [op cit, paras 785-789] He would observe them in a large room or school hall, a Standard at a time. Any child who appeared to be abnormal at any point would be asked to stand to one side. When the physical examination was complete, teachers were asked to point out any children not selected who were considered to be 'dull and backward'. Each child selected was then

examined again individually. A form was filled in describing each 'sign', and a report by the teacher was added. Teachers' judgements that children were dull and backward were accepted at face value and were not checked by Warner, who made a point of stressing that the opinion of both teacher and medical man were important in making a decision. When Warner had completed his survey of 100,000 he had found 347 children who were 'mentally defective' and a further 473 who were either 'mentally dull' or had 'feeble' bodies. This provided him with a rough incidence figure of 1%.

The discussion of signs and their relevance to the ascertainment process established the importance of the role of the 'medical man' in the early development of this form of special education. As long as the difficulties experienced by children in schools could be related to mental defect, the status of the medical expert would be maintained. The sophisticated system of 'signs' used to provide a diagnosis of mental defect was a device to maintain the 'professional mystery' of the examination, to make the decisions final and unquestionable, and to keep other professionals either out of the process, or in a subsidiary role in supplying additional but optional information.

The Departmental Committee provided the medical experts with an opportunity to establish their influence on the emerging system. There were more medical witnesses than any other category, and the questioning from most of the Committee allowed them to talk at length about their expertise and importance with very few challenges made to their many generalities on

the subject. The medical experts successfully defined their role as the principal decision makers. [Potts, 1983, pg 183]

Despite this emphasis on the role of the medical profession in future development, most of the evidence of the system in action came from representatives of the School Boards. As a result, the Committee came across a great deal of questionable practice in the emerging system and received what they considered to be evasive answers to some of their enquiries, some from highly respected medical men, others from minor School Board officials, who were either so sure of themselves they could not see the implied criticism in the questioning, or because they could not appreciate or accommodate the Committee's preconceived ideas on a number of issues. Most witnesses adapted their answers to the line of questioning allowing Committee members to invite affirmative responses, but some were too arrogant or lacked understanding and this led to a certain amount of friction between witnesses and questioners. [Education Department, 1898b, Evidence of Kerr, paras 491-503, Evidence of Martin, paras 4936-4940]

The most serious conflict between the Committee and a witness came during the evidence of Thomas Aldis, Her Majesty's Inspector for schools in the Tower Hamlets area of London [op cit, Evidence of Aldis, paras 3142-3289] who seemed to disagree on every point and who would not allow himself to be led into giving the expected answers. He had made his own enquiries into the numbers of 'feeble-minded' children and had calculated an incidence figure of 0.5%. He also found that many teachers doubted whether such a category of

child existed. He felt that children with learning difficulties should remain in classes of up to 70 because the experience of separating the 'dull and backward' and 'mentally defective' had, in his opinion, been disastrous and he did not agree with keeping down pupils with younger children.

He felt that coping with two or three children who were experiencing difficulties in a class should be within the ability of a class teacher. When he was asked whether he thought they should go to a special class to learn something or remain in the Elementary School and learn nothing, he said that he did not think they learned anything in special schools. These views did not coincide either with the way the system had been developing or the views of those on the Committee. The segregated system developed by the LSB was seen as a wholly appropriate answer to the present need. Aldis's views were therefore, largely ignored.

The response to children with learning difficulties in London provided a ready made solution to problems of what should be recommended nationally, as long as appropriate funding could be arranged. The work of the Board in London was so far in advance of what was happening in the rest of the country that consideration of provision outside the capital was almost peripheral to the enquiry. The LSB possessed a developing, highly organised system controlled by an efficient bureaucracy, and guided by strong-minded individuals. By 1897 thirty classes had been established. [op cit, Evidence of Chard, para 1351]

The first classes in London had been established at the Hugh Myddleton School and the Committee interviewed its three teachers, Florence Anderson, Edith Cattle, and Rosa Whenman, at one joint examination. The impression of them gained from the Minutes of Evidence was of a group of concerned, conscientious teachers with no complaints and none of the arrogance of some witnesses. They were not defensive when examined, providing truthful but sometimes naive answers to all enquiries. [op cit, Evidence of Whenman, paras 2633-4940]

Rosa Whenman, the teacher-in-charge, had commenced work in the special school system in 1895. She had felt she would like to do this work because, as an infant teacher, she had found that most of the 'exceptional' children were placed in her class as she was known to have patience with them. She knew all about 'signs' and was familiar with the writing of both Warner and Shuttleworth, and felt capable of distinguishing between educable and ineducable children.

Teachers in London Schools of Special Instruction were certificated and paid an extra allowance, but many of them thought that they had poor career prospects because of their fixed term contracts. [op cit, paras 2387-8] This revealed a lack of communication on the part of Burgwin and the Board. The fixed term contract was intended to allow those working in special education to return to Elementary Schools *if they wished* as it was considered unfair to insist on teachers continuing in this demanding job for longer than 5 years. There was no question of diminished career prospects, and those who wished

to continue in special education were encouraged to do so. Sharpe himself was clearly impressed when, in response to Rosa Whenman's comment that she still liked the work, said *'Yes, I find that it is universal in the special classes. There is scarcely a teacher that takes to it that does not have a sincere affection for it'*. [op cit, para 2840]

The system in London was seen by the Committee as a suitable framework on which to base legislation. The only other alternative to special schools and classes seemed to be institutions like Darenth, the large Poor Law establishment with an attached school, where up to a thousand children were housed and trained. The examination of two witnesses from this establishment, Walmsley, the Medical Superintendent, and Hoatson, the headmistress made it clear that it was a less than ideal alternative. [op cit, Evidence of Hoatson, pgs 58-67, and Walmsley, pgs 112-122]

Although most children educated at Darenth were categorised as either 'idiots' or 'imbeciles', it was apparent that under different circumstances many of them could have been regarded as 'feeble-minded', 'dull' or even normal. In fact, a number of 'cured' former pupils were employed as monitors in the school. Walmsley stated that half the children at the institution were educable but considerably less than that attended the school. The head mistress had been there for over 20 years and was dominated by the medical superintendent. She reported that there were 323 children in 8 classes, with two uncertificated and poorly paid teachers, six attendants and three monitors. Only a few children made any sort of academic progress. The head



teacher did not feel it necessary for any of her staff to have physiological or medical knowledge because the superintendent dealt with those aspects. She was generally happy with the state of the school although she did express a desire for smaller classes. There was very little contact between Darenth and the outside world and all industrial and manual occupations were carried out for the benefit of the institution. The long term result for the state, was said to be 'bright happy and useful higher grade defectives' some of whom would be able to take up the trades they had learnt at Darenth, such as printing and shoe-making. Hoatson held the view that being labelled as 'feeble-minded' could be to a person's advantage in later life because little would be expected of them.

Darenth provided the Committee with a perfect example of what to avoid in setting up provision: the closed world of an institution, unrealistic staffing, and an ill-equipped educational establishment, along with an arrogant dictator taking the decisions and a weak head teacher. The Committee visited Darenth and saw for themselves the limitations such an institution would have on provision for children with learning difficulties. Whatever recommendations the Committee were to make eventually it was clear that Darenth would not be used as a model of good practice on which to base legislation.

The Minutes of Evidence to the Committee together with the results of a questionnaire [op cit, Appendix B] that was sent to all special class teachers provide a comprehensive picture of the schools of special instruction created

by the Boards in the 1890s. The clearest aim of the schools seemed to be to enable each child to become as self-supporting as possible when they left so that they did not become a 'burden on the state'. Academic subjects did not seem to be of much importance. This was difficult for some committee members and witnesses to accept. Sharpe, for instance, responding to Walmsley's statement that 'little could be done' said that he thought a knowledge of reading and writing was of great importance in opening up sources of information and recreation. [op cit, Evidence of Walmsley, para 4024] He was critical of those who saw 'success' for the 'feeble-minded' only in terms of their ability to earn a living. Francis Synge, Her Majesty's Chief Inspector of Schools (Eastern Division), said that these children would never be sufficiently developed intellectually to promote their own pleasure and that they would never read for their own enjoyment. [op cit, Evidence of Synge, para 7606]

One area of similarity between special and Elementary Schools was in the timetable and the curriculum reflected in it, at least on paper. The timetable prepared by Mrs Burgwin for use in London schools had a rigid structure with a set amount of time devoted to each subject. The day was split up into lessons of 20 or 25 minutes. [Education Department, 1898a, 48] Du Port, the Board's Inspector, said that he felt that the special schools were too much like the Elementary Schools and that special training did not seem to be a feature of them. He felt that manual instruction needed to be given far more prominence and that the 'literacy' education of the ordinary school should be regarded as an 'extra'. He was disappointed not to have found manual

instruction in the classes he visited, and although it was generally accepted by both the Committee and the witnesses that it was very important, it appeared that very little went on because of the cost. [Education Department, 1898b, Evidence of Du Port, para 6883]

The rigidity of the timetable was believed to limit the creativity of the classes. Shuttleworth had developed several ideas about the curriculum that embraced the physical, mental, individual and recreational aspects of the child's development, but although the work was well known in the special schools there was little opportunity for teachers to implement it. [Shuttleworth, 1895, pgs 77-92] Despite the uniqueness of the new system, the special schools were still bound up with ideas of codes and standards, with inspectors and superintendents over them. [Education Department, 1898b, Evidence of Kerr, para 476] Although an important aim of the special schools was to equip children to earn their living on leaving, the academic emphasis seemed to be to return them to mainstream schools.

Despite these minor concerns over the organisation of the new special schools, the framework offered by the existing system appeared to provide a more than reasonable model on which the Committee could define future policy which could be given the force of legislation.

An extension of the Blind and Deaf Act, 1893, seemed to be considered an inevitable consequence. It was thought that this would help the School Boards to provide schools and classes with the backing of the Education

Department, resolving questions of administrative details and variables including definitions, adaptations to Codes, ascertainment, principles of instruction, teacher training and inspection. [op cit, Evidence of Harrison, para 7268] Legislation would clarify the situation for Boards who wanted to take action on behalf of children with learning difficulties but who were not sure how to go about it.

Pooley had been responsible for the implementation of the 1893 Act and had been asked to prepare a memorandum for the Committee, which was included in the Minutes of Evidence for March 1897. This indicated that work had already been undertaken within the Department. It appeared a straightforward task with the only problem being the cost. Pooley had estimated that the grant would need to be three times the current rate. [Pooley, 1897]

A major problem for the Committee in proposing legislation within this scenario, however, was in suggesting the most suitable provision for 'feeble-minded' children in rural areas, as it would be impossible to set up classes in villages and small towns because of insufficient numbers. Three alternatives were available; residential provision, boarding-out near existing urban classes, or enhanced monitoring in schools. [Education Department, 1898b, Evidence of Colvill, paras 201-210 and Loch, paras 5468-9] Boarding out was not seen by the Committee as a viable alternative for all cases because the return to a rural environment from an urban one was thought likely to create problems. In any case, boarding out had not been successful with blind or deaf

children. The HMIs who provided information on cases in rural schools suggested that, as there would be less than three in any school, they should remain there and be monitored by an Inspector who would ensure that they received manual training. It was suggested that there should be a register of all 'feeble-minded' children prepared by School Attendance Officers and that when there were sufficient numbers a sub-committee of a teacher, a doctor, an inspector and a lay person should be formed to monitor progress and report on each child to the education authority.

The 'dull and backward' posed further problems for the Committee. The main difficulty was in how to distinguish between them and the 'feeble-minded'. Some witnesses suggested that they were indistinguishable and should be taught together in special schools, an impractical suggestion bearing in mind the cost that would be involved, but putting forward the idea for the first time that both groups should be educated together. [op cit, Evidence of Price, para 6475, Evidence of Aldis, para 3125]

Questions about rural areas and the 'dull and backward' made integration a significant but unstated element in the enquiry. Pooley, [op cit, para 6274] had in fact concluded that making suitable arrangements in mainstream schools was a possible solution. Support for this idea also came from the HMI for the West Lambeth District, Currey, [op cit, para 7010] who reported that many teachers felt that 'feeble-minded' children would be better left in Elementary schools. The children that he had observed were slow, but made progress and received their fair share of the teacher's time. He felt that all

that was needed was a little extra care and sympathetic treatment, along with inclusion in the standards with children of their own age. Some individual schools had already developed a policy where they grouped their 'feeble-minded' and 'dull and backward' pupils together with a teacher, sometimes assisted by a pupil-teacher. [op cit, Evidence of Blackmore, para 1599] A number of witnesses felt that children with difficulties should interact with mainstream pupils as much as possible, though not necessarily be taught with them. [op cit, Evidence of Currey, para 7010]

A possible compromise that was suggested was to have a small, mostly segregated 'special' group as a class in the Elementary School, with some lessons, such as singing and drill taken with 'ordinary' children. [op cit, Evidence of Du Port, para 6909] Such classes already existed in some schools as the Standard 0 but establishment had by no means been universal and they tended to be low status classes with the least able teachers. An integrated solution was nevertheless clearly an option available to the Committee in considering their conclusions and recommendations.

The interviews were completed in June 1897 and the Report was presented to both houses of Parliament at the beginning of 1898. Its production was a pivotal point in the development of special education for children with learning difficulties, the point at which the needs of those with difficulties in learning ceased to be seen as a problem for Elementary Schools alone.

The Committee had been impressed by the organisation of the special schools operating in London and it was this model that was adopted. The Report quoted all those that gave evidence to it at some point, but with greater emphasis on the views and suggestions of the medical experts, Kerr, Warner, Walmsley and Beach.

The Committee disliked the term 'feeble-minded' because it was applied to all mentally defective children including idiots and imbeciles, suggesting that 'defective' should be used to identify children between the 'imbecile' on one hand and the 'dull and backward' on the other. [Education Department, 1898a, 12] The Committee had no doubt that such a category existed and that the majority of the 1300 children they had seen in special classes were benefiting from special provision and would eventually be capable of supporting themselves to an extent and not end up in institutions. They saw the segregated special school as the appropriate establishment in which instruction should take place despite the problems of rural areas and the complication of the dull and backward. They discussed the possibility of permanent detention but recognised that public opinion would 'probably' be against such action. [op cit, 13] Medical expertise remained the major source for a description of the 'defective' child, and it was accepted that there were observable physical 'signs' which could only be described by a trained observer. It was also accepted that teachers and others had a role to play in this description, but the medical profession were seen as the major contributors to the ascertainment process. [op cit, 15]

The Report accepted Warner's convenient 1% estimate of the incidence of 'defectiveness' confirming the figure with evidence from Chard, Verrall, Kerr and the HMI investigations, despite evidence of widespread variation between urban and rural districts and across the country as a whole.

The Committee felt that the existing system of discrimination which relied upon the initial referral coming from attendance officers or committees was not efficient or appropriate, and that all children not attending school because of physical and mental defect should be seen by a medical officer who would then either enforce attendance or exclude on grounds of imbecility through a signed Medical Certificate. [op cit, 22]

It was recommended that special provision should not start before the age of 7 years as the infant departments would be the most appropriate place for children with learning difficulties until this age, although it was accepted that a 'defective' child could be identified before this age. The change over from the Infant School to the Public Elementary School was seen as the appropriate point to implement a two stage procedure involving 'preliminary selection' and 'examination', with teachers carrying out the screening process. It was proposed that infant school heads should be required to submit to the Boards the names of all those children over 7 who they thought were suitable for special class placement. Heads of elementary schools would also be required to submit the names of children who had been in their schools for at least six months and who were thought suitable for placement. In each case it was suggested that one person only should be responsible for making



the referral and that this individual would provide an account of the child's capabilities. HMIs would have a role in informing the Education Department of schools who failed to refer suitable children. [op cit, 26]

A form similar to that in use in London was prepared for use in the referral process. It would then become the basis for further records. Teachers were given an important role to play in the preparation of these documents but it would still be left to the medical officer to make the recommendation for action to the Education Authority on the basis of his medical examination. Records were to be kept in the form of a booklet developed by London School Board, with standard forms used for all processes and procedures. Children would be able to remain in the classes until the age of 14, with discretionary powers available to allow attendance up to 16. The classes would be certified by the Education Department to receive grants, but in order to do this they would have to fulfil strict conditions. This would make the schools that would be acceptable to the Department almost identical to those existing in London with only a few minor revisions. Special classes could be integrated into ordinary schools as long as children were segregated for all lessons. [Education Department, 1898a, 30-57, 73-75]

The number of places which would be required to implement the proposals were not provided in the Report, but application of Warner's figures to the existing school population resulted in a placement requirement of between 50,000 and 60,000 with many pupils living in rural areas. The Report suggested that the Education Department should insist on the establishment

of special classes in all towns with a population of over 20,000 and that investigations should be carried out in towns of between 10,000 and 20,000 to discover if classes were required. Once legislation was passed the Committee expected the Education Department to direct LEAs to provide places, combining with other authorities to share costs if necessary. It was also expected that inspection would be carried out without notice by the HMI who would ensure that all the conditions for the available grants were being met, but not carry out any formal examination of the pupils. [op cit, 57-59]

The Report stated that the only sensible suggestions for dealing with children with special needs in the mainstream had come from Colvill, an HMI from Guildford, despite the fact that a variety of examples and opinions had been offered in the Minutes of Evidence. [op cit, 75]

The final recommendations of the Report proposed legislation based upon the 1893 Act. The Committee were not over-optimistic about the implementation of the legislative proposals;

*'Whether or not Parliament is asked to legislate with a view to giving general effect to these proposals, no doubt some special assistance would be looked for in the shape of grants from the Education Department; but we understand that it is no part of our duty to make specific recommendations under this head'. [op cit, 110]*

Legislation based on the work of the Committee was introduced the following year in the Elementary Education (Defective and Epileptic Children) Act

1899. The object of the Act was to give Education Authorities the power to make provision for the small number of children, including the 'feeble-minded', who were unable to benefit from Elementary Schools but who were capable of improvement in special classes. It followed the lines of the 1893 Act but was to apply permissibly and *mutatis mutandis* (when the appropriate changes have been made). The Education Department were to make grants available to LEAs if they fulfilled conditions such as a high proportion of manual instruction in the curriculum. The main method of dealing with children with special needs identified under the legislation was to be through segregated provision which would only be established in large centres. In other areas the need would be met through boarding out or by residential provision set up either by LEAs or voluntary organisations. Boards would be able to contribute to provision set up and run by charities, although parental consent would be required to place children in either boarding or residential arrangements. The Act took effect in August 1899.

The report and subsequent legislation effectively ended the period of active policy making by the Boards, to be replaced by a similar, but centrally defined policy subject to voluntary action by LEAs for its successful implementation, establishing a period of drift in the development of the system.

The Act allowed LEAs to find out the number of children in the area who required special education. Once this had been done, however, there was no obligation on them to make provision, although a section allowed classes to be

established where a need existed. Central government's interpretation of this permissive Act was undertaken by the newly created Board of Education, and was communicated through 'Minutes', the first of which was issued in 1900. [Board of Education, 1900].

The immediate result of the new permissive legislation in the first years of the twentieth century was a gradual increase in the number of places. London School Board acted as if the new legislation, which legitimised and funded their pioneering efforts, was compulsory. They pressed ahead with their planned expansion, with only minor changes as a result of the legislation. The Special Schools Sub-Committee continued to monitor the system under the London County Council which replaced the School Board in 1904. This group met monthly and dealt with the administration of all types of special schools. Most decisions, which included matters such as premises, teaching appointments and conditions of service, were passed on to other Committees or individual officers for action. [London School Board Special School's Sub-Committee Minutes, 1900] Mrs Burgwin was not a member of this Committee, and she did not attend any of its meetings, but a majority of matters dealt with under the heading of 'Schools of Special Instruction' were referred to her and she prepared many written replies and statements for each meeting, including a full account of her own work. It is clear that everything relating to 'Schools of Special Instruction' was processed by her and that she dealt with each referral personally. [London School Board, 1900]

By 1901 there had been an increase in places nationally to 3751 in 87 schools, 53 of which were in London. Over the next few years the system developed slowly and by 1906 there were 129 schools with an average attendance of nearly 5000. [Board of Education Annual Reports, 1901, 1906]

Although grants were now available to help LEAs establish special schools, regulations issued in July 1904 provided only £4-10-0 (£4.50) for each unit of average attendance. This included £2 to finance the minimum of six hours manual instruction which covered only a proportion of the actual costs. To complicate matters further, the conditions LEAs had to fulfil in order to establish the schools and receive Board recognition in the first place involved huge capital expenditure. [Royal Commission on the Care and Control of the Feeble-Minded (the Radnor Commission) 1908a Volume 1, Evidence of Pooley, and Appendix 2]

The Board of Education reported optimistically in September 1906 that 87 education authorities had adopted the Act. [Radnor Commission, Volume 5, 188-193] The implication that by 'adopting' the Act the LEAs had implemented its provisions was misleading, however, because the returns on which this claim was based showed that only 31 had actually established provision. A significant number claimed to have the matter 'under consideration' or 'before the Education Committee'. A further eight had made arrangements with neighbouring authorities. 75% of LEAs admitted that they had children with learning difficulties in Elementary Schools without provision.

Increases in provision in London had slowed following the 1899 legislation, partly because of the reorganisation of the authority and the increased responsibility of the new County Council. There were still many children without provision in the city and in 1906 it had been estimated that a further 2,000 places would be required. [op cit Volume 1 Evidence of Allen, pg 415]

The new LCC nevertheless continued the pioneering efforts of the London School Board by attempting a number of new initiatives in the early years of the century. These included lowering the minimum entry age to 5, [op cit, Evidence of Harrison, pg 619] establishing schools for 'feeble-minded' boys with male teachers, and drawing up plans for single-sex residential schools and establishments for older 'feeble-minded' boys with a greater emphasis on manual instruction. [op cit, Evidence of Allen, pg 411] The costs for these innovative efforts had to be met by the County Council as only 40% of the amount spent on special schools came from the grant. [op cit, Evidence of Pooley, pg 17]

The education committee in Leicester also continued innovative work and were once more quicker off the mark than London in appointing the first male teacher. By March 1903 they had two types of special establishment, one for the 'feeble-minded', supported by grants and another, for the 'dull and backward', funded from their own resources. They had also established 'intermediate' classes within mainstream schools for children who were 'dull', 'delicate' or 'neurotic'. [op cit Volume 2 Evidence of Bennet, pg 161, Clephan, pg 426]

The remaining authorities that had special schools at the time of the Departmental Committee Report continued to supply places. By 1906 Nottingham had 3 classes, Birmingham 7 with elaborate long-term plans, Bradford had 6 and Bristol had two central schools which had replaced their four original classes. Two schools in Newcastle had been established, two in Burnley two in Bolton, three in both Leeds and Nottingham, two in Cardiff, and there were single schools in Derby, Halifax, Northampton, Oxford, Plymouth, Reading, Brighton, Salford, West Ham and West Hartlepool. [op cit, Volume 5, pgs 188-197]

Discussion about setting up a special class for defective children in the town of Northampton began on 24 July 1903 when a sub-committee of 5 members of the Borough Council was formed to consider the matter. [Minutes of Northampton Borough Council, 24.07.03] The Committee made a decision reasonably quickly and by November the same year, a resolution was made to build Wellington Place School at a cost of £3573. [op cit, 20.11.03] The building was completed in December 1904 when it was decided to appoint a caretaker and a Medical Officer. There seemed no urgency in making these appointments however, and the Defective Children's Sub-Committee as it had become known, was not given permission by the Borough Council to interview for the post of headmistress until April 1905. [op cit, 16.04.05] The Medical Officer, James Beatty was appointed in July, immediately after which proposed ascertainment arrangements were submitted to the Board of Education for approval and agreement was reached to appoint assistant

teachers so that the school could open after the summer holiday. [op cit, 13.07.05]

In November 1905 the County Council were given an opportunity to give evidence to the Radnor Commission which had started interviewing witnesses in 1904 but declined because it was felt that they did not have enough experience in running special schools to make an appropriate contribution. [op cit, 16.11.05] The school was eventually granted recognition by the Board on 7 December 1905 as a school for defective children under the 1899 Elementary Education Act. Recognition was to be reviewed annually.

Alfred Eichholz, the HMI responsible for overseeing the implementation of special needs legislation, appointed in 1903, was involved in the process of establishing the school and appointing staff. [Minutes of the Defective Children's Sub-Committee, 28.10.04] The search for and eventual appointment of a suitable head teacher took a considerable time. Dr Eichholz had been asked to make recommendations in October 1904. The salary for the post was to be £125 a year, increasing in increments of £7-10-0 (£7.50) to £155, although the Committee were prepared to appoint on a starting salary of up to £140 if a suitable candidate could be found. Ethel Dixon was interviewed for the post in 1905. She had run a Poor Law establishment and was currently employed at one of Shuttleworth's private schools in Richmond. She appeared very forceful at interview and demanded a starting salary of £150. The Committee were not very enthusiastic about appointing her and managed to delay making a definite decision by requesting a further



testimonial from Shuttleworth. [op cit, 03.03.05] Helen King of Oldham was eventually appointed with Eichholz's approval in April 1905 at a salary of £130. [op cit, 01.04.05] Three assistant teachers including one who was part-time were appointed the following month. They were paid an extra £10 and their appointments were subject to six months trial on either side. [op cit, 27.05.05]

In June 1906 a question arose about what should happen to children who were excluded from special schools because they were 'too low a type'. Eichholz suggested that if the Board of Education agreed, and if there were no places available in Elementary Schools, such children could attend the special school if they did not interfere with the instruction of other children. Attendance would not be recorded and no grant could be claimed. [Minutes of Northampton Borough Council, 15.03.06]

Eichholz carried out an inspection of the school accompanied by the Medical Officer in July 1906. [Minutes of the Defective Children's Sub-Committee, 15.03.06] He met with the Committee in October the same year, offering his services at all times, he confirmed that the school were admitting the right kind of pupil and suggested that an aftercare committee should be formed to test the value of the education on offer. As a result of this meeting the Committee decided to send a delegate to the conference of the National Association of the Feeble-Minded. [op cit, 23.10.06]

The Northampton LEA had put a lot of effort into establishing their class which served a valuable service in the town. Some LEAs, however, had been unsuccessful in their attempts to implement the Act. The Authority in Hastings, for example, had appointed a Medical Officer under the 1899 Act in November 1901 to examine a number of children who were causing concern. As Hastings did not have its own class, he recommended that the pupils should be boarded out near a special class in another area. The Education Authority attempted to come to an arrangement with the class in Brighton but were unsuccessful. As a result of the raised awareness of the problem in Hastings, 36 more 'feeble-minded' children were discovered. It was therefore decided to establish a sub-committee to visit Brighton and devise a scheme so that the authority could establish its own special school. The scheme was submitted and a search started for suitable premises while 28 of the children were examined. The search for premises was unsuccessful, however, and the matter was dropped. It was raised again in 1904 when the whole process was repeated with 17 suitable pupils. This time the sub-committee and the finance committee reached agreement and suitable accommodation was found. In June 1904, Eichholz and another HMI, Gardener, approved the premises which would have been known as the Manor House School, but in July 1905 the Town Council decided not to approve purchase and asked the sub-committee to submit a less elaborate scheme. This never materialised. [Radnor 1908, Volume 5, Appendix pg 235, Volume 2, Hurle, pg 47]

The Act had been almost impossible to implement in rural areas, although some attempts were made. [op cit Russell 97]. In Hopping, Essex, for instance,

17 children were examined and certified, but in all but one case their parents refused offers of boarding out in other areas. Ironically the Education Authority were then unable to find a place for the one child whose parents did accept.

Despite a relaxation of the regulations in 1903 there were only four Board approved residential establishments in existence by 1906, a Roman Catholic home for girls in Hillingdon, two small private homes in Surrey and Middlesex, run by medical men, and Sandlebridge in Cheshire, built and run by the *Lancashire and Cheshire Society for the Permanent Care of the Feeble-Minded*, under the guidance of their Honorary Secretary, Mary Dendy. [op cit, Volume 1 Evidence of Pooley, pg 18]

Dendy had been a member of the Manchester School Board since 1894, and became a member of the Education Committee on the County Council following the 1902 reorganisation of Local Government. Her involvement with the 'feeble-minded' had started in 1896 when she and Shuttleworth had collaborated in establishing the first special schools in Manchester. [op cit, Volume 1 pgs 15,40,62, Ashby pgs 579,580] Despite this pioneering work, she considered day special schools to be a waste of time and had worked independently to establish a residential school. She had approached a number of prominent businessmen in Manchester and persuaded them to form a Society which provided the finance to enable her to implement her ideas for institutional provision. By 1906 the organisation had 300 members, including many members of the Education Committee, and 500 contributors. It had

built two schools, had plans for a third, and had rented a farm for further 'long-term' care. [op cit, Evidence of Dendy, pgs 41,54] Dendy was convinced that custodial care was the most appropriate provision for 'feeble-minded' children.

Sandlebridge had opened in 1902. It was staffed by two teachers, who worked in a small purpose built school, two gardeners and four matrons. The establishment dealt with 50 children from Lancashire and Cheshire, eight of whom attended on a part-time basis. The teachers were poorly paid because it was not thought either appropriate or necessary to have highly skilled staff. The low pay, however, made it difficult for the Society to retain suitable teaching staff. The curriculum did not have a high academic content. Pigs and poultry were kept and a variety of crops were grown, providing practical opportunities for manual instruction, which were enhanced further by a member of the Manchester Education Committee who taught Woodwork on Saturday afternoons. [op cit, pgs 104-118]

The Society was very careful with its financial resources. The costs per child had been reduced from £27-10-00 on opening to £20 per annum as the numbers had gradually increased. [op cit, Footnote, pg 42] Running costs were low because the buildings were owned by the Society, and the food, costing 3/8 (18p) per person per week, was mostly grown on the premises and included very little meat. Dendy felt that costs could have been reduced further if the number of teachers could be cut as two was considered to be a luxury bearing in mind the low potential of the children. [op cit, para 822]

When the provision was expanded to 180 places, Cheshire Education Committee had provided 40% of the finance. In return they were allowed to send up to 25 children to the school and appoint a Governor. The establishment was further extended by the purchase of Walford Hall, an adjoining estate of 20 acres, which provided not only employment for boys after the age of 16, but also further accommodation in farm buildings. A Private fee-paying Boarding School for the 'feeble-minded' which raised additional income was also added. [op cit, Volume 1, Appendix 649]

Dendy had created a unique example of a residential 'caring' community which presented a viable alternative to urban day special schools. She disliked outside interference and regarded the children as the property of the Society. Contact with friends and families was discouraged, with visits limited to once a month. She saw Sandlebridge as the ideal situation for the 'feeble-minded' describing the results as 'simply wonderful'; 'They knit their own stockings and vests and do a great deal of garden work and cooking. I have my meals with the children when I go down to stay the night and they behave at table quite like proper gentlemen and ladies'.

Small private schools like the one established by Dendy at Walford Hall had always been available to those with the ability to pay. Both Shuttleworth and Warner ran such establishments. [op cit, Volume 2, Evidence of Warner] Any one could set up such a home, and a number of 'irregular asylums' or 'private imbecile homes' regularly advertised for 'patients' in medical journals and experts such as Henry Maudsley, were continually asked to refer patients to

them. [op cit, Evidence of Maudsley, para 20595-20601] There was no Government control over such establishments.

### *Summary*

This period had seen the first attempts to meet the needs of children experiencing learning difficulties in schools through a small scale but highly organised system established through the independent efforts of some LEAs. This resulted in some children with difficulties being withdrawn from Elementary schools to receive an alternative special, but parallel education away from the pressure of grants and codes. The vast majority of children with this kind of special educational need remained in the ordinary schools without any organised additional support, however. The quality of the education was dependent upon their teacher's skill in coping with a wide range of ability.

These small scale attempts had nevertheless been expensive to run. This had resulted in requests by the School Boards to the Department of Education to provide enhanced support through grants similar to those provided for blind and deaf children. Permissive legislation to allow this, which at the same time legitimised the segregated provision that had been established, especially in London, allowed further development to take place on a statutory footing. It defined the desirable system for the purpose of recognition by the Education Department and the attraction of grants. Subsequent development of a segregated system continued at a slow pace as

mostly urban authorities, led by the London School Board, took the option to implement the legislation.

A small number of LEAs had been the driving force behind the original development, responding to the needs of pupils identified by teachers and inspectors without central government guidelines or encouragement. They independently developed a segregated form of alternative provision without financial backing, guided by strong-minded individuals. The LSB in particular quickly developed a policy for both the organisation of the schools and the further development of provision even when it became apparent that it would be difficult to sustain without further financial support from other sources.

Central government involvement in the development of the system in the early stages was largely restricted. They had at first successfully resisted pressure from voluntary organisations led by the COS to intervene, and had not responded to the Egerton Commission recommendation which suggested segregated provision for this category. They were forced into taking action eventually by the independent initiatives of the School Boards. The relationship between the Education Department and the education authorities, especially London School Board appeared to be relaxed and informal, however, with a number of direct discussions taking place during the period. The Departmental Committee merged the two groups together in a dialogue which seemed to be undertaken as if the conclusions and recommendations had already been decided.

In the early stages of development the LEAs, led by the LSB and influenced to an extent by individuals and voluntary organisations, set the policy which varied from Board to Board in detail but not in the basic principles, which included segregated settings and ascertainment by the medical profession. Once central government were involved, the policy became legitimised through legislation, with the bureaucratic and organisational dimension added by the Education Department through minutes and grant regulations. The permissive nature of the statutory arrangements left the LEAs in control of policy development through the choices they were now allowed to take.

Definition and ascertainment emerged as highly problematical areas, not only for the Education Department, but also for the Boards and the medical profession, whose influence on the system depended upon their involvement in these two elements. Although the initial criterion for some form of alternative support had been the difficulty experienced by certain children in coping with the schools as they were currently organised, the confusion with the 'imbecile' category meant that the medical profession were able to define the feeble-minded group in terms of 'mental defect'. The Departmental Committee provided them with opportunities to both reinforce this link and at the same time ensure that a central role in the ascertainment process was established and maintained. The resulting definition, however, meant that it was very difficult to distinguish between the 'mentally defective' child and the 'imbecile' on one hand, who would be excluded from school, and the 'dull and backward' on the other, who would remain unsupported in the Elementary schools.



Although difficulty in learning had initially been a problem for the Elementary schools, the discussions, pressures and legislation during the period led to the conclusion that segregated placement was the most appropriate form of education for those experiencing problems. This was in spite of the fact that the permissive legislation meant that only a small proportion would be educated in segregated settings, the remainder, those in rural areas, small towns or where the Act was not implemented would remain in ordinary schools without any additional support at all unless they were included in some independent initiatives for the 'dull and backward'. Suggestions had been made in evidence to the Sharpe Committee for integrated settings and for more innovation in Elementary schools, but these were ignored in the Committee's report and were not even mentioned as rejected alternatives. What was essentially an Elementary School problem had therefore been extracted, isolated and packaged as a separate entity.

The first school in Northamptonshire was established under permissive legislation in 1905, constructed on traditional lines with a high commitment from the Borough Council in terms of staffing, numbers on roll and in the encouragement of experimentation and innovation that was to be reflected in subsequent events.

Development nationally following the 1899 legislation, continued at a slow and gradual pace with some LEAs setting special needs policy in response to statutory opportunities, but attitudes to mental defect and concerns felt by

society in general were to have a significant effect on the newly segregated system.

The contribution of LEAs to development in this period was, therefore, highly significant. Independent action had established the precedent for an appropriate response to the problem, which was fixed in place by the legislation. Although not compulsory, and subsequently ignored by most authorities, the choice of action, where action was deemed to be appropriate and desirable, was therefore limited. When action was taken, like that of Northampton Borough Council in 1905, it had to follow the framework set by the legislation.

The Boards had taken the essential first step in providing for children with learning difficulties, but in so doing had narrowed the choice for subsequent development, thus building constraints into the system, and ensuring that responses from other LEAs produced schools almost identical to those in London for the purposes of obtaining a grant, whether or not this was the most appropriate response. This fixed system also limited development to urban areas of an appropriate size to sustain them, with the result that children in rural areas were excluded from the arrangements unless they could be boarded out in towns or given places in residential schools, neither of which were particularly successful.

This built-in constraint together with the resource implications ensured that the segregated ideal remained available only to a few of those who were thought capable of benefiting from it.

The question of who required access had been resolved by the introduction of a category of exclusion which was subject to interpretation and therefore applied inconsistently. The medical profession were dominant in the process of ascertainment and the placement for those in this category of exclusion was away from mainstream education, but only when identified under a framework that was only in place in a few parts of the country. The participants in the system had very few rights and although a national policy on framework existed, implementation was limited to innovative LEAs and larger population centres.

## Chapter 4

### LEAs as Observers and Collaborators 1907-1928

*The threat posed by the Royal Commission on the Care and Control of the Feeble-Minded. Legislation of 1914. The inability of LEAs to provide places. The establishment of the Mental Deficiency Committee.*

This chapter provides an account of the constraints placed upon education authorities following the introduction of legislation to enable them to establish recognised special education in the first years of the twentieth century. These constraints were centred around the discussions, conclusions and recommendations of the Royal Commission on the Care and Control of the Feeble-Minded, which was critical of attempts made to educate children with learning difficulties and which attempted to change the perception of them significantly so that they represented a danger to society. Although the Commission failed to achieve its objective, it left the current system in a vulnerable position, and despite later compulsory, but inadequate legislation, the growth of the system continued only slowly. Although the number of special schools had increased by almost a third between 1906 and 1914, with a significant increase in the number of children in established schools, from this point on the number of schools started to decrease and there was little possibility that sufficient places would ever be provided. Although the major constraint was financial, the Board of Education, through a variety of strategies ensured that development remained slow, thus undermining its own legislation.

While some education authorities had responded in a constructive way to the existence of a group of pupils who had difficulties in learning by providing some of them with an alternative education, the group categorised in order to receive help came under severe threat from those who began to see them as a danger to society and a burden on the state. Much of this concern, which was directed towards both adults and children who were 'feeble-minded', was expressed by voluntary organisations. Whilst appearing to want to help the mentally defective, they managed to put both children with learning difficulties and the schools designed to help them, under considerable threat. The events in the early years of the century, resulting from this threat were largely outside the control of LEAs, who were not encouraged to develop the system further.

The most active voluntary organisation in the period was the '*National Association for Promoting the Welfare of the Feeble-Minded*' (NAPWFM) which had been formed in 1895. The Society's main aims were to support the feeble-minded directly, by helping them to become more self-supporting while at the same time increasing public awareness. They collected and disseminated information, promoted legislation and established homes and aftercare committees. [Royal Commission, 1908, Volume 1, Evidence of Townsend and Jefferies, pg 223] In March 1900 the Association had started to pass regular resolutions requesting the Government to provide homes for permanent protection.

In May 1903 a request had been made for a Royal Commission to look into the matter. [op cit, pg 229] At the same time, the Prison and Poor Law Authorities had become concerned about the increasing costs of caring for those of 'arrested development'. In addition there were concerns about the apparent deterioration of the race indicated by the failure of the Boer War, and the realisation that the nation had ceased to be a major industrial force. There was also a growing awareness in society of the existence of the 'feeble-minded' who were a major element in this growing unease. A widespread belief was that 'feeble-mindedness' was hereditary and that unless something was done, the numbers would continue to rise at a rapid rate.

This led to an increase in interest in the science of eugenics, the application of Darwin's evolutionary theories to 'man'. Adherents proposed the use of heredity to improve the human race. Eugenic value could be attached to attributes such as intelligence, energy, resourcefulness, industry, enterprise, and leadership which could lead to social promotion and a rise in wages and profits. Other attributes such as insanity, epilepsy, drunkenness, prostitution, crime and mental defect were considered to be of no value. [Blacker, 1945, pg 4] The eugenics movement sought to eradicate negative elements through the use of selective breeding.

The increase in concerns and the associated demands from pressure groups led eventually to the establishment of 'The Royal Commission on the Care and Control of the Feeble-Minded' in 1904. The Marquess of Bath was the

first Chairman, although he was replaced the following year by the Earl of Radnor.

*Members of the Commission*

*Jacob, Earl of Radnor, Chairman*  
*W P Byrne CB, Clerk at the Home Office*  
*C E H Hobhouse, Member of Parliament*  
*Frederick Needham MD, Commissioner in Lunacy*  
*C E H Chadwyck-Healey KC, Barrister*  
*The Reverend H N Burden, Manager of an Inebriate Reformatory*  
*W H Dickinson, Chairman National Association for Promoting the Welfare of the Feeble-Minded*  
*C S Loch, Secretary Charity Organisation Society*  
*Mrs E F Pinsent, Member of Birmingham Education Committee*  
*H B Donkin MD*  
*J C Dunlop MD, Inspector under the Inebriates Act*  
*Marquess of Bath, Original Chairman*  
*H B N Mothersole KC, Barrister and Secretary to the Commission*  
 [Royal Commission, 1908, Volume 8, pg 1]

This body was made up of lawyers, doctors, representatives from charitable organisations, a clerk from the home office, a manager of an institution for inebriates and an Education Committee representative. The Board of Education was not represented and from this point became observers along with the LEAs in debates concerning the most appropriate way to deal with the 'feeble-minded' rather than participants. The Commission's existence had very little impact on the development of special education for children with learning difficulties initially, however, as Boards seemed unaware of its existence.

The terms of reference for the Commission were;

*'To consider the existing methods of dealing with idiots and epileptics and with imbeciles, feeble-minded or defective persons, not certified under the lunacy laws, and in view of the hardship or danger resulting to such persons*

*and the community from insufficient provision for their care, training and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein. [op cit, Volume 8, pg VIII]*

The Commission began hearing evidence in Public Sessions in 1904, and over the next three years 248 witnesses were examined. It was realised immediately that reliable statistics on which nationwide estimates could be made were not available, so it was decided to carry out a series of 'expert medical investigations' in a range of environments. [op cit, Volume 6 Medical Examinations]

The investigations produced the following incidence figures of the feeble-minded in the population (including both children and adults);

<i>Birmingham</i>	<i>1.25%</i>	<i>Urban</i>
<i>Manchester</i>	<i>1.24%</i>	<i>Urban</i>
<i>Stoke on Trent</i>	<i>0.60%</i>	<i>Urban</i>
<i>Durham</i>	<i>0.19%</i>	<i>Mining</i>
<i>Somerset</i>	<i>0.58%</i>	<i>Rural</i>
<i>Nottinghamshire</i>	<i>0.41%</i>	<i>Rural</i>
<i>Lincolnshire</i>	<i>0.92%</i>	<i>Rural</i>
<i>Carnarvonshire</i>	<i>0.53%</i>	<i>Rural</i>
<i>Carmarthenshire</i>	<i>0.61%</i>	<i>Rural</i>



The average incidence for England and Wales was 0.68%, a third less than the figure adopted by the Departmental Committee as a result of Warner's investigations.

Eight medical inspectors were engaged to carry out the investigations and although they all used the same methods and prepared their reports to the same format there was a great deal of variety in the information and interpretation contained within them. On discovering that there would be large differences in the figures obtained for each area, the Commission claimed that 'in such a census, even where men of ability who are acquainted with the signs and symptoms of mental defect and who are accustomed to observe them, are engaged in the inspection, there must be some difference of opinion in regard to particular cases in the class of mental deficiency'. [op cit, pgs 15-16]

The investigation in Stoke was carried out by W A Potts, a close associate of Shuttleworth. He found no provision but a large number of exclusions from schools. The 'feeble-minded' children he discovered were physically 'good' but nearly all had 'insane' parents. The few medical officers in the district were untrained in mental defect and often carried out their duties on a voluntary basis. One teacher in the area told Potts, 'I wish our inspectors were like you gentlemen and would make some allowance for individual capacity. My inspector goes entirely by ages and thinks every child of the same age should know the same amount'. [op cit, Potts pgs 93-103] Potts concluded that the children in this area should be segregated and detained unless they could be

provided for otherwise and suggested that a competent Medical Officer should be employed part-time. Potts used his Report to make other suggestions for the area which were at variance with the current legislation. He wanted special schools for backward children only, with 'feeble-minded' children kept in infant schools with pupil-teachers until the age of 9. He also wanted to see information concerning 'feeble-minded' leavers passed to the police in case of subsequent crime. He felt that the best place for the 'feeble-minded' was the workhouse and that they should not be allowed to marry.

Potts also carried out the investigation in Birmingham where he found an incidence figure of 1.25%. The larger figure, in comparison to Stoke's 0.6%, was put down to 'the unfavourable environment of a large city with no large open spaces and thickly populated districts which accentuated the effects of alcoholism alongside a lack of hygiene'. [op cit, pgs 119-132]

In contrast to Potts', Melland, who carried out the investigation in Manchester, limited his account to a description of the existing situation. In his medical examinations he discovered 1328 'mentally defective' children, 986 (74%) of whom were in ordinary schools. He also discovered a reluctance by parents to send their children to special schools. [op cit, Melland pgs 145-169]

The survey in Durham was carried out by the physician at the local prison, Philip Gilbert. He found a low incidence rate coupled with robust children, many of whom seemed to be suffering from eye disease, for which he

recommended a large supply of spectacles. The low incidence (0.19%) was thought to be due to the rural setting and a lack of 'overcrowding and slums'. He felt that the 'feeble-minded' should be placed in small classes within ordinary schools. [op cit, Gilbert pg 196]

A F Tredgold, a prominent expert on mental defect in this period, conducted the survey in Somerset, where he discovered 170 'mentally defective' children at an incidence rate of 0.58%, all of whom were placed in ordinary schools without special provision. He had visited the children's homes and satisfied himself that in 90% of cases the 'feeble-mindedness' was due to hereditary factors. [op cit, Tredgold pg 234]

Carnarvonshire produced a low incidence figure in a survey carried out by James Pearce [op cit, Pearce pgs 255-267] and a slightly higher figure was discovered in Nottinghamshire by Gill who pointed out that there was no systematic approach to inspection and therefore no means to discover 'feeble-minded' children. [op cit, Gill, pg 277] Stracey also noted these difficulties in his survey of Lincolnshire which yielded a figure of just under 1%. [op cit, Stracey, pg 300]

Children experiencing difficulties in Carmarthenshire were all placed in ordinary schools, which was considered unsuitable by the investigator, Williams. He alone of the examiners pursued the idea of 'signs'. He felt the incidence of 0.61% was due to one specific cause; 'Children of the working classes are fed too much on tea, bread and broth. They have tea - not fresh

tea, but tea that has been stewed for a long time - and they drink this three or four times a day, and I cannot but think does great mischief to their growing nervous systems that for healthy and normal growth requires plain and nutritious food'. [op cit, Williams, pg 337]

It was concluded by the Commission, that the incidence in the country as a whole could be accepted as 0.5%. [op cit, pg 332] This was considerably lower than the Sharpe estimates but meant that when applied to the school population of 1903 (6,681,295) the number of children who needed to be provided with places in special schools would be 33,406. Provision at that time stood at about 4,500. The complete reports of the medical experts, which dealt with adults as well as children were published as Volume 5 of the Commission's Report.

In addition to the evidence from the medical examiners, a large number of witnesses expressed opinions on incidence levels and on the proportion needing residential care. Eichholz, [op cit, Volume 1, pg 211] for instance, thought there could be as many as a 100,000. Warner, on the other hand, thought the estimates from the examinations were too high, despite the contradiction to his figures. It was, nevertheless, clear that the required provision was far in advance of that already existing and that compulsory implementation of the 1899 Act would involve LEAs in considerable expenditure. This made it difficult for the Commission to plan for the future on the basis of the existing legislation 'having regard for the expense involved'.

Although not specifically included in the terms of reference, consideration of the causes of 'feeble-mindedness' was essential to enable the Commission to put forward its proposals for 'care' in the future. The belief in heredity as a major cause had been a factor in the establishment of the Commission, and an important aim for many of the Commissioners was to establish the hereditary nature of 'feeble-mindedness' and use this information to recommend 'care' in order to eradicate it. This was not as easy as the Commission expected, however, because very little reliable evidence was available. [op cit, Volume 1, Evidence of Dendy, pg 44, Kerr, pg 436, Ashby pg 583] Even the NAPWFM, for instance, could only provide evidence in 20% of their cases. [op cit, Evidence of Townsend and Jefferies, pg 236]

The most important expert on the subject at this time was Tredgold, a prominent eugenicist, whose research had suggested to him that heredity was the cause in 90% of the cases, with the other 10% being accounted for by accidents before, during or immediately after birth. Tredgold felt that mental deficiency was largely incurable and that children who were subject to it would never be able to compete on equal terms with their normal peers. Potts suggested an even higher figure at 95%. [op cit, Volume 1, Evidence Tredgold, pgs 396-7, Volume 2, Evidence of Potts, pgs 471-2]

If these estimates could have been accepted without question by the Commission, there would have been no trouble in putting forward far-reaching proposals for care and control aimed at ensuring that the 'feeble-minded' were not allowed to become a danger to the rest of society.

Any legislation to achieve this would fail to get through Parliament, however, because of the traditional argument that it posed a threat to personal freedom.

Doubts were raised over the Commission's assumptions by the evidence of Eichholz. He had carried out his own research into the family histories of 'feeble-minded' children in special schools, and concluded that heredity was a minor cause. He felt that 'feeble-mindedness' was almost entirely due to an 'evil environment' and that the 'physical degeneracy from which it sprang was a transitory condition dependent upon poverty and exposure to conditions of filth, malnutrition, and ignorance'. He felt, therefore, that it was an improvable symptom of race decay rather than a cause, an opinion in direct opposition to Tredgold's. [op cit, Volume 1 Evidence of Eichholz, pg 214]

Tredgold was interviewed by the Commission after Eichholz, so he was allowed an opportunity to explain the differences in their conclusions. Tredgold stated that he had investigated in person while Eichholz, he suggested, had only had access to the 'inadequately' prepared family histories provided by Elementary Schools. Tredgold also thought that many of the children whose families had been investigated by Eichholz would have been 'dull and backward' rather than 'feeble-minded', and would have been returned to their original schools eventually. [op cit, Evidence of Tredgold, pg 394]

Although the considerations of the Commission were centred on those children that the Sharpe Report had defined as 'educable' but only in segregated provision, the concerns about heredity and the associated potential danger to society meant that a further dimension was being added to the definition of children with learning difficulties which could result in calls for more drastic segregated action than that attempted so far.

Doubts had been raised, however, not about the Commission's assumptions concerning heredity as the prime cause of 'feeble-mindedness', but about how far the opinion could be enforced in putting forward proposals. Eichholz's results were reinforced by Townsend of the Bristol Education Committee who had found no evidence that 'feeble-minded' children had 'feeble-minded' parents, but agreed that they were the offspring of 'diseased, vicious or under-nourished parents' and that more than half were living in poor overcrowded districts. [op cit, Evidence of Gavin, pg 135, Pullen, pg 92, Volume 2, Townsend, pg 416]

As well as concerns about the place of the 'feeble-minded' in Society, there were serious worries about the education system that was being developed by some LEAs to deal with them. The ascertainment procedure was criticised initially, which suggested dissatisfaction with the existing special school system rather than doubts about medical practitioner's ability to carry out the process. Kerr, now working for the LCC, with ambitions to become Chief Medical Officer of the Board of Education, admitted that the current system was less than ideal and suggested that County Councils should be able to

establish residential clinical institutions to study and assess children over a fixed period in order to make a more accurate assessment. [op cit, Volume 1, Evidence of Kerr, pg 434].

The process was considered to be most refined in London. Head teachers were under an obligation to report suspected cases of 'Mental Defect' to the County Council, although nominations for ascertainment could also be made by other authority officers including divisional superintendents, charitable bodies, school managers and parents. A family history was prepared by the child's elementary school and the nomination passed to a medical centre near the child's home. When sufficient nominations had been made a medical examination was held. A card would be sent to the head of the child's school (or the divisional superintendent if the child was not attending school), with all relevant paperwork dispatched to the officiating Medical Officer. Up to 20 children would be invited to each examination. The Medical Officer would make his examination and record his decision on the card which would be forwarded to the Education Office where it would be entered on a register. The cards of children who failed to attend would be carried forward to the next examination. Completed cards would be distributed to the relevant officers of the authority for the implementation of the decisions. For 'feeble-minded' children this would mean either a place in a special school or the placement of their name on a waiting list.

The medical examination dealt with what were considered to be routine medical matters including the investigation of physical signs and



attainments. [op cit, Evidence of Eichholz, pg 207] The significance of signs had diminished somewhat since the time of the Sharpe Committee. Tredgold felt that, although a majority of the 'feeble-minded' had physical as well as mental defects, they were not as pronounced as those found in imbeciles. Eichholz [op cit, pg 204] criticised the use of signs, stating that no physical symptom or so called nerve sign was diagnostic of 'feeble-mindedness' and that the only sure means of identification was through the examination of mental powers.

The decisions made following assessments were usually left to medical officers, many of whom were inexperienced. There were sometimes difficulties in London following ascertainment, because local general practitioners would supply certificates for parents which stated that their children were fit for Elementary Education after they had already been certified as 'feeble-minded' and offered places in special schools. The only course of action open to the County Council to ensure attendance at a special school in this situation was referral to a magistrate, who would also be unskilled in the field of 'mental defect'. [op cit, Evidence of Kerr, pg 436]

If the recommendation of the medical examination in London was a place in a School of Special Instruction, the matter would be dealt with by Elizabeth Burgwin. All placements were made on a trial basis to start with to allow easy transfer back to the Public Elementary School or total exclusion if errors had been made. Half of all referrals were rejected at the examination stage

and excluded from any form of education through certification. [op cit, Evidence of Burgwin, pg 482]

The Commission's discovery of uneasiness about the ascertainment and placement procedures provided them with evidence that the existing system was not working. Kerr felt that what happened in London was rushed and inappropriate and that a more careful procedure was needed, although he was happy that the correct decision was made in 90% of cases. He felt that a week's observation would have dealt with the ambiguity of the remaining 10%. [op cit, Evidence of Kerr, pg 447]

Although 'imbeciles' were excluded from schools under the Act, many had apparently been provided with places. This was partly due to the difficulty in defining an 'imbecile' and partly because no other form of education was available. A number of witnesses, including Eichholz, felt that children in this category should be included in future legislation. There were few alternatives to exclusion available for them. Even the institutions which were supposed to deal with them were attempting to opt-out. Earlswood, originally an establishment purely for 'imbeciles' was now calling itself a 'Training School for the Feeble-Minded', and Darenth was also refusing to accept them. Pooley felt that where admission to a special school was refused there should be a legal entitlement to alternative provision, and he proposed that the training of 'imbeciles' should become the responsibility of the LEAs. [op cit, Evidence of Pooley, pg 21] London School Board had discussed the problem of the 'imbecile' with the Board of Education in December 1899, and a

conference attended by the Board, the new County Council and the Metropolitan Asylums Board had urged action for the sake of the community as a whole, but the Board of Education had been reluctant to commit themselves. [op cit, Evidence of Kerr, pg 440]

Children who were 'dull and backward' were also excluded from special schools by the existing legislation and were therefore officially beyond the scope of the Commission, but because of the arbitrary nature of the dividing line between the 'dull' and 'feeble-minded' categories, their needs and characteristics were considered. Most of the 'dull and backward' experienced similar difficulties to the 'feeble-minded' in coping with the Elementary School but to a slightly lesser degree. It was thought likely, therefore, that a number of them had been wrongly placed in special schools where they were unstimulated and where the expectations of them were too low. One suggestion to get round this problem was to put such 'borderline' children in 'intermediate' classes within the Elementary School. [op cit, pg 447] This once more highlighted the difficulties of defining those who should be subject to alternative segregated provision. [op cit, Volume 2, Evidence of Townsend, pg 421] Garbutt from Bristol felt that integrated special classes should be set up under the existing Act and taught by experienced infant teachers with a maximum class size of 16. Most children, it was thought, would only have to spend a short time in such a class. [op cit, Evidence of Garbutt, pg 422] Leicester School Board had set up a series of 'backward' classes following the 1899 legislation, that were not under the jurisdiction of the Act and not subject to the approval of an Inspector or the receipt of a grant. This had been

done originally to avoid the increased costs which would be required to bring existing classes up to the standard required to qualify for the grant. The actions had been justified as an attempt to get away from 'red tape and extravagant demands' by establishing special classes for a 'slightly higher quality clientele' at less than a third of the cost (£3-10-0 [£3.50] instead of £12 per head). [op. cit, Evidence of Bennett, pg 164] Revelations of this kind increased the uneasiness that the Commission felt towards the LEAs' control of special schools.

Having discovered what they considered to be an inadequate special school system in terms of the available provision, and widespread dissatisfaction with the ascertainment procedure, the Commission now turned its attention to the difficulties the schools themselves appeared to be experiencing. The Sharpe Committee had presented the emerging system as a thoughtful and well planned response to the needs of children, especially in London. The Radnor Commission, in contrast, focused on difficulties.

The Commission looked carefully at all aspects of the schools and found a number of causes for concern. Annual costs per child varied from £6-18-10 (£6.94) to £14-1-2 (£14.07), with an average cost of £9-7-2, (£9.37) a total expenditure of £56,160 on the current provision. If these costs were applied to the results of the medical examinations (including a proportion of residential places as suggested by Sharpe), the total annual bill would be £362,000, six times the current expenditure. These costs represented only the amount needed to maintain provision on an annual basis. The initial outlay would be

considerably higher. A new purpose-built school in Oldham, for instance, had cost £9,455 which included £2,100 for the site and £577 for equipment, Sandlebridge had cost £10,500 and the Roman Catholic school in Guildford had cost £4,000. The cost of providing an adequate number of places based on the compulsory application of current legislation would be at least £1,545,000. [op cit, Letter from Pooley, Appendix 2, Evidence of Pooley, pg 18]

One justification misguidedly offered for such expenditure was a long-term saving, as pupils would eventually be able to support themselves to a greater extent. [op cit, Volume 1, Eichholz, pg 208] This posed a dilemma for the Commission. They could only recommend the provision of an appropriate number of costly places in special schools for 'feeble-minded' children if it could be shown that the schools were successful. 'Success' was judged by the extent to which pupils could become self-supporting. The existing schools were not thought capable of achieving this and so the Commission began to undermine the current system with the intention of replacing it with something that would be both cheap and effective.

Meeting the needs of children in rural areas remained a serious problem. Children in these areas were usually fully integrated into mainstream schools because there was no alternative. [op cit, Volume 5, Evidence of Brown, pg 232] Jones, of Burnley Education Committee expressed the opinion that as long as such children did not interfere with the rest of the class they would be better off in the Elementary School where they could learn good discipline and good habits if nothing else. There were no special schools in

Jones's area, and all children were retained in the elementary Schools because certificates were not issued which would exclude them. [op cit, Volume 2, Evidence of Jones, pg 510] Ethel Dixon, who gave evidence concerning the Poor Law school at Banstead, also felt that 'defective' children would be better off integrated into ordinary classes for most of the day so that they would not pick up bad habits from each other and would not be subject to the stigma of attending special schools. [op cit, Evidence of Dixon, pg 295] Those promoting this form of integration were acting counter to the Commission's long term aim for 'care', however, and were not, therefore, heard sympathetically.

The lack of residential schools and the need to supply provision for rural areas created much discussion because of the 'ideal' example practised at Sandlebridge. In her evidence, Mary Dendy stated that residential provision was the only logical way to deal with all the 'feeble-minded'. She wanted them all placed in such schools by the age of 14 so that they could be 'broken in' for the labour colonies that she expected they would inevitably end up in. After listening to Dendy's description of Sandlebridge, a member of the Commission described it as 'an almost ideal place for these young children, if we could get at the cost of teaching in regard to the establishment of the institution and maintenance it would be most useful'. [op cit, Volume 1; Evidence of Dendy, pg 41] Other witnesses shared the view that there was an urgent need for residential places. Ellen Pinsent, one of the Commissioners, felt that the establishment of boarding schools would relieve the pressure on

day schools, enabling them to become more effective by removing the most disruptive children from the classroom. [op cit, pg 451]

Very few teachers were interviewed as witnesses by the Commission, although the 1899 legislation and subsequent development had raised the overall status of teachers in special schools. By 1906 head teachers had to possess a Government Elementary Teaching Certificate or a Higher Certificate of the National Froebel Union; assistant teachers had to be at least 'uncertificated' or have the Elementary Froebel Certificate, and they all had to have had experience in Elementary Schools before taking up their appointments. There were no training colleges providing for special needs teachers, however, although the Board of Education allowed students and candidates for Elementary Teaching Certificates to offer 'knowledge, methods, and teaching and training of the 'feeble-minded' child' as an examination subject. [op cit, Evidence of Eichholz, pg 205]

Gavin, the head teacher of a London special school, had made an attempt to get extra training for herself by attending lectures given by Warner and she suggested the establishment of a training college along Froebelian lines for qualified teachers who wished to work with the 'feeble-minded'. [op cit, Volume 2, Evidence of Gavin, pg 134] Warner emerged from the Commission as more of an expert on training than on 'signs'. He trained his own teachers for his private 'feeble-minded' establishments, concentrating on 'kindergarten' techniques with some scientific training. He ran a course at Bedford College which was also open to teachers of the 'dull and backward',

providing training in observation and the study of signs. He also held regular lectures in Battersea and Horsey which were well attended by teachers. He felt that this form of training could be extended and run as a University of London Extension Class leading to a Certificate. [op cit, Evidence of Warner, pgs 4-7, Appendix 567]

The most realistic suggestion concerning training came from Professor Findlay of Manchester University. He put forward proposals, already approved by the University and the Board of Education, to train teachers of the 'defective' in the Department of Education at the University. Each year 20 women currently took a two year course leading to a qualification in Elementary Education. Findlay proposed to run a parallel course for those who wanted to teach 'defective' children, followed by an optional third year during which specific training on physiology and other subjects would be provided by the Medical School. There would be opportunities, provided with the cooperation of the Manchester Education Committee, for practice and observation in the special schools in the City, one of which was very close to the University. The first course was expected to start in 1909 and the University intended to appoint a teacher with experience of 'defective' children and with training in hygiene and education as the tutor. It was expected that those applying would not necessarily be academically inclined but 'quick in observation and full of sympathy and kindly spirit'. The only problem being experienced in setting up this course was, predictably, funding. [op cit, Evidence of Findlay, pg 249]



The limitations in appropriate training was therefore seen as another drawback highlighted by the Commission, complicated further by the difficulties experienced by some Education Authorities in finding suitable staff for their special schools, who it was felt needed to be 'of the highest quality, possessing infinite patience and enthusiasm, skilful in presentation and manual occupations'. [op cit, Volume 2, Evidence of Garbutt, pg 122]

Timetables for special schools, approved by HMIs and submitted to the Commission, [op cit, Volume 5, pgs 177-185] were still similar to those offered to children in elementary schools, relying heavily on academic skills. The main difference was the statutory inclusion of at least six hours of manual instruction.

What was taking place in the classroom, however, was difficult to determine, but it was clear from the minutes of evidence that it was very different from the academic regime defined by the timetables. Many teachers expressed the opinion that the official timetable was too rigid and that they ought to have the freedom to vary it. Eichholz, who had been responsible for approving many of them, insisted that the schools had a free hand in drawing them up in the first place. [op cit, Volume 1, Evidence of Eichholz, pg 208] Burgwin provided the clearest evidence in her interview that things were not as they appeared to be when she admitted that the timetable did not necessarily reflect what was happening in the classroom. Children with severe difficulties, for instance, would not be expected to cope with all the academic subjects and would be allowed to continue with manual occupations. She

admitted that when it said 'reading' on the timetable, it could be 'articulation' that was taking place with some reading involved. [op cit, Evidence of Burgwin, pg 294] This provided further evidence that the special schools were failing to develop their pupils capabilities and an indication that they were being less than honest about what they were trying to do. The balance between academic skills on one hand and the manual instruction which could help pupils become more self-supporting on the other appeared to be eluding the special schools.

The relevance of academic study produced a variety of responses from witnesses. Eichholz thought speech training and manual instruction were important and that it was therefore 'fruitless to belabour academic skills'. [op cit, Evidence of Eichholz, pg 208] Odhams of Norwich Education Committee felt that trying to 'cram' children with 'book-learning' was a waste of time and that, instead, they should be out in the open air doing manual occupations. [op cit, Volume 2, Evidence of Odhams, pg 152] The opposite opinion was held in Burnley where it was felt that reading should occupy a large proportion of the time because it was thought that in the future books would be an 'irresistible source of interest' to the 'feeble-minded'. [op cit, Evidence of Jones, pg 85] Gavin was against too much practical work in the curriculum and felt that there should be no concentration on manual instruction until the age of at least 12 or even 14, and that before this age the emphasis in the curriculum should be on the development of intelligence rather than mechanical skills. [op cit, Evidence of Gavin, pg 133]

Manual instruction had been an essential feature of the early special schools and an important element in the timetable because of the extra grant that was available. It was seen as the most appropriate form of education to enable the 'feeble-minded' to earn a living once they had left school. In an attempt to discover if the six hours of manual instruction required in the timetable was adhered to, the Commission looked at the timetables of 137 classes and discovered that in 10% the amount was below the required level, but exceeded in 39%, although this did not mean that the amount claimed in the timetable was actually taking place. The total amount varied between 4 and 10 hours per week. [op cit, Volume 5, pg 168]

Although an important element in the curriculum, it was difficult to find suitably qualified and experienced staff. In London, many children were allowed to leave the special schools at 14 because there was no suitable manual instruction available. A few were able to go to experimental specialist centres, but the availability of places was limited. Burgwin [op cit, Volume 2, pg 492] felt it would be better if there was one large centre for the 'better class of child' who would be able to cope with travelling. A number of witnesses felt that manual instruction should be increased to at least 50% of the timetable. [op cit, Volume 2, Evidence of Jones, pg 85, Wilkinson, pg 111, Hurle pg 47]

Parents of the feeble-minded posed a further problem. Dendy described them as 'scarcely better than children'. [op cit, Volume 1, Evidence of Dendy, pg 41] Many parents objected to their children being sent to special schools, and

once they were there, to the fact that they had to stay until the age of 16, two years longer than elementary school pupils. [op cit, Evidence of Garbutt, pg 121] The Commission seemed genuinely surprised that such attitudes existed. Local authorities were able to introduce bye-laws to enforce attendance, but this did not always have the desired effect. In Manchester, for instance, where the Act was strictly enforced, Dendy revealed that reluctant parents could simply change addresses and send their child to a different Elementary School, but she also claimed that many parents moved into the Manchester area to get their children into the special schools. [op cit, Volume 1, Evidence of Dendy, pg 40]

Having discovered a range of limitations in the current system, the Commission were, therefore, able to confirm two major assumptions; that custodial care would be needed for at least a proportion of the 'feeble-minded', and that the special schools as currently organised were failing to bring children to a level at which they would be able to earn their own living.

The schools of special instruction were dealt a further serious blow during the appearance of Elizabeth Burgwin before the Commission. At the start of her evidence on 30 June 1905, Ellen Pinsent introduced her as 'having more experience of special schools than anyone else in the world' [op cit, Evidence of Burgwin, para 8364], firmly establishing her credentials as an 'expert' witness. Burgwin was a prominent representative of the developing system of special schools for children with learning difficulties, but in response to

aggressive questioning by the Commission, most notably Dr Dunlop, she found great difficulty in justifying their continued existence.

Dunlop forced Mrs Burgwin to admit that there were a high proportion of 'imbeciles' in special schools, that the system of classification was limited, that those who obtained employment were the exceptions, that the system was too expensive, and that evidence to show success could not be provided. [op cit, paras 8433-8525] In later questions from other Commissioners, Burgwin apologised for the quality of her written evidence, by saying that she was rather overworked, but the damage had been done, her credibility was in doubt, she had been unable to answer Dunlop's questions and the blustering approach of many of her replies, failed to deter the Commissioners in making their points. [op cit, Volume 1, Evidence of Burgwin, pgs 494-6]

Many of those who took an active interest in the welfare of the 'feeble-minded' openly despised them. Ashby saw them as a major cause of crime and illegitimacy in Manchester [op cit, Evidence of Ashby, pg 583] and Russell, of Essex Education Committee, was convinced, through observations at the magistrates court, that many prisoners who had been arrested for petty theft were 'feeble-minded': [op cit, Volume 2, Evidence of Russell, pg 97] Kerr suggested that the fingerprints of all the 'feeble-minded' should be taken because it was likely that within ten years they would be in the hands of the police or in mental hospitals under different names. [op cit, Volume 1, Evidence of Kerr, pg 436] The fear that the 'feeble-minded' produced in the

population was increased once they had left school and were no longer subject to any form of supervision.

The Commission were concerned about what happened to pupils after they left the education system because this would be the strongest indication of whether or not the schools had been successful in enabling them to earn a living and not become a burden or a danger to the state.

From an educational viewpoint nothing further could be done for them once they reached the age of 16, but in some areas 'Aftercare Committees', formed either by the Education Authorities or by voluntary groups, attempted to keep track of what happened to leavers and in some rare cases help them find work. [op cit, Volume 1, Evidence of Townsend and Jefferies, pg 231] Ellen Pinsent had been responsible for setting up the first of these in Birmingham in 1901. This particular group concentrated on finding out what had happened to leavers rather than in providing any material assistance or direct support. In the years between 1902 and 1905, 104 former pupils had been located, but less than 20% were actually earning. In Bristol, a Committee of ten people had been established in 1903, to visit homes periodically and give advice which, it was thought, resulted in better care and more control by the parents. This Committee found that while most of the school-leavers had been thought capable of work, very few continued in regular employment. Various reasons were put forward for this, which included, prejudice by employers, unsympathetic treatment by fellow-workers, objections from parents to children labouring for low wages, and

lack of concentration, perseverance or application. The aftercare Committee in Southampton visited children in schools and parents in the home before they left in order to establish a relationship. [op cit, Volume 1 Evidence of Townsend, pgs 416-426] Very little was done to help these young adults directly, however, and it seemed to be more of an exercise in information gathering. Williams [op cit, Volume 2, pg 290] from the West Riding admitted that the aftercare committee in his area was a 'very hollow affair'. Despite the work of these committees, little was known about leavers and when attempts were made to provide a picture of what happened after the 'feeble-minded' left school, it was found to be difficult to trace a large proportion of them.

The form of questions by the Commissioners indicated that they had already made up their minds about the emerging segregated system. One of the first witnesses, Pooley, who had been responsible for the implementation of the 1899 Act, was asked why the schools should be allowed to continue as there was no evidence that they had been successful. He responded by saying that the benefits should be extended to all those capable of profiting from them and suitable education should be provided for all children. [op cit. Volume 1, Evidence of Pooley, pg 23] The suggestion of failure was put to all educational witnesses, and many of them confirmed the Commission's feelings.

In written evidence submitted in April 1905, Alfred Eichholz set out the framework by which he felt the success of the special schools should be judged, stating that, following prolonged training, children fell into three

classes which were roughly equal in size; those who would leave school with a reasonable hope of becoming self-supporting; those who would lead useful harmless lives in the general community under supervision but who would never become entirely self-supporting; and those who would require permanent or temporary care. [op cit, Evidence of Eichholz, pg 208]

This suggested to the Commission that two thirds of those in special schools would become a burden on the state in some way, an unacceptable level of failure for institutions which were supposed to ensure that as many as possible could support themselves.

Conclusive evidence for the Commission was provided by Kerr's assistant Mrs Dickinson Berry, who estimated that only 1% of special school leavers in London would become self-supporting, with 45% capable only of partial support. The remainder would only be able to carry out work under supervision and would need continuous care, either in their own homes or in institutions. [op cit, Volume 8, pgs 99-100]

Despite the reluctance of many witnesses to agree with the Commission in condemning the special schools, it proved impossible for them not to accept the figures being put forward as representing failure. Some attempted to make excuses for the apparent lack of success, unwittingly providing the Commission with further evidence.



Harrison, for instance, said that the schools had not been going long enough to achieve significant results. He refused to back down over his assertion that the schools were successful, however, despite being faced with evidence of a high failure rate. He replied, 'You cannot ask a teacher to make them normal. That is impossible'. [op cit, Volume 1, Evidence of Harrison, pg 149] This, of course, raised a fundamental question about the purpose of special forms of education and the long held belief that, by implementing a separate process the child with needs could somehow 'catch up'. Warner felt that the main purpose of the schools was to enable children to be brought under control and it was therefore unrealistic to expect them to achieve a normal level. [op cit, Volume 2, Evidence of Warner, pg 6] Not everyone judged the success of the special schools on the self-supporting criterion. Shuttleworth, for example, stated that the special schools helped children to 'pass happier and less harmful times', [op cit, Volume 1, Evidence of Shuttleworth, pg 577] and Strutt from Derby felt that at the end of five or six years in a special school the pupils might not become useful members of society, but they could at least do something, lead more respectable lives and not be such a nuisance to their families. [op cit, Evidence of Strutt, pg 46]

It appeared likely that the Commission would propose that control of the special schools should be taken away from LEAs, to be replaced with something more aligned to concepts of 'care' and 'self-support' than education. A framework for such a replacement had been provided by Dendy, whose insistence that the 'feeble-minded' needed to be segregated from the rest of Society in the interests of everyone, including themselves was acceptable to

the Commission. Her evidence, which was the longest given, [op cit, Volume 1, Evidence of Dendy, pg 44] effectively communicated to the Commission the 'great desirability of making the care of the 'feeble-minded' continuous and permanent'. She was aware that public opinion would not stand for large numbers of children being committed to institutions for life, even though she had difficulty in understanding how opinions opposing her own could be held. She felt that the existing day special schools should be used to sift through the 'feeble-minded' in order to identify those needing 'permanent care'. She also believed that even the less severe cases posed a serious threat to society because by the time they reached the age of 20 they would themselves have large families who would in turn become a further danger.

In October 1905, the Aftercare Committees of Birmingham, Leicester and Nottingham had collaborated in a letter to the Commission suggesting that the 'feeble-minded' above school age should be detained compulsorily and that industrial colonies should be provided for them. [op cit, pg 566] Hargreaves, [op cit, pg 323] of the Rochester House Asylum, felt that the state should take responsibility for the custody of the 'feeble-minded' and 'imbeciles' who could not be provided for by their relatives and that they should be institutionalised from the age of 3. Kerr expressed the opinion that even those who were thought capable of earning a living would be better off in institutions, a view surprisingly confirmed by Elizabeth Burgwin who felt that within two years, many children who would be able to get jobs on leaving school would have become mental degenerates. [op cit, Evidence of Kerr, pg 485, and Burgwin, pg 487] Of the 322 children in special schools in Liverpool,

at least 222 were thought to require permanent care. [op cit, Evidence of Harrison, pg 610]

The desirability of permanent care was expressed by most witnesses to the Commission. Coward [op cit, Volume 2, pg 93] from Burnley felt that when children came from immoral homes, were underfed, uncared for and cruelly treated, all the good of special schools was undone in the hours away from school. She felt that methods of education for the 'feeble-minded' would be incomplete until care and discipline were exercised for 24 hours a day. She saw this as the only possible option for rural areas. Shuttleworth [op cit, Volume 1, pg 574] felt that aftercare committees should decide which children required permanent care, and County Councils, subject to appeal, should be able to remove children from homes where parents were unable to give satisfactory guarantees of their ability to provide the appropriate care in the home.

Not all witnesses saw custodial care as the only alternative for dealing with the 'feeble-minded'. Eichholz [op cit, pg 213] felt that children should remain in special schools until the age of 16 before decisions on appropriate courses of action could be made, although he accepted that up to 50% would then be subject to such consideration. Potts [op cit, Volume 2, pgs 476-8] felt that segregation would only partially solve the long-term problem posed by the supposed hereditary nature of 'mental defect' because there would still be amentia from 'physical degeneration' and segregation would only reduce 'feeble-mindedness' by 38%. Townsend [op cit, Volume 1, pgs 240-242] of the

NAPWFM could appreciate the arguments both for and against custodial care, and admitted that some of her views were the opposite of many members of her association, but she agreed that in certain cases custodial care should be enforced. She felt that it was premature, however, to say that every 'feeble-minded' child should be detained for life. Along with Jefferies, who suggested that detention should be for a renewable period, she was optimistic about the success of special schools. Tredgold [op cit, pg 405] also doubted the wisdom of those who wished to see all grades of mental defect in institutions. He suggested that such provision should be reserved for those who could not keep themselves within the law.

The industrial colony was seen as the logical extension to residential education and care after the age of 16. [op cit, Evidence of Ashby, pg 484] Burgwin [op cit, pg 484] believed that a colony could be the most humane method of dealing with the 'feeble-minded' who would be able to lead 'useful and happy' lives instead of ending up in maternity wards, workhouses or prisons.

Sterilisation, the highly emotive alternative to custodial care for the feeble-minded was suggested by some witnesses: Kerr [op cit; pg 435] felt that at the age of 16 the 'feeble-minded' should be subject to long term care, which he described as 'the nearest approach to civic extinction possible'. If liberation was permitted, he felt it should be under the strictest conditions, with those not under permanent care having their latent reproductive powers 'destroyed by operative means' before reaching the age of 13. Harrison, [op cit, pg 610]

from Liverpool, felt that permanent care was especially desirable for girls and that if this was not possible 'nothing less than sterilisation would be required.' Russell [op cit, pg 97] of Essex Education Committee, was also in favour of sterilisation but realised that public opinion was not ready for such action. Potts [op cit, Volume 2, pg 474] talked about both sterilisation and a 'lethal chamber' but accepted that neither would be possible. Ethel Dixon [op cit, pg 296] suggested that experiments in 'asexualisation' could be carried out on pauper children before puberty. She was asked how she would decide if such a course of action was successful, but became evasive and would not produce an answer, saying most people she had spoken to felt it would be the most sensible action, although she then declined to name any of them.

Sterilisation was never seriously considered as a conclusion by the Commission. Tredgold summed up the situation by saying that it would be ideal to prohibit the marriages of anyone without a clean bill of health, but that it was not likely to happen. The only possible means of achieving the eradication of 'feeble-mindedness' would be by enlightenment and education of the public conscience on the responsibilities of marriage. [op cit, Evidence of Tredgold, pg 401]

Eichholz [op cit, pg 210] believed that the source of all problems were the slum areas of large cities, and that all thought of care and control would be merely palliative - those currently thought to be 'feeble-minded' could be shut away but a new generation would emerge thus rendering a costly form of care ineffective. He suggested a review of the entire education system in order to

re-establish parental responsibility in feeding, clothing and hygiene, supported by both the state and the voluntary organisations. He felt that there was little point in improving the current system for children who were poorly fed, with insufficient clothing and in poor health and that it would be better to teach them duty towards the home.

Future legislation was a topic of most examinations alongside the question of heredity. Making the existing legislation compulsory was an option suggested by most witnesses as the 'first' step towards dealing more effectively with 'feeble-minded' children. It was realised, however, that even if duties were imposed on LEAs there was no guarantee that the needs would be met. Even those authorities that did attempt to fulfil their obligations would only be able to do so slowly because of the costs involved. As Eichholz reminded the Commission 'you would not necessarily get what you want - it is very difficult to enforce compulsory action on local authorities'. [op cit, pg 222]

After four years of deliberations, investigations, visits and interviews the Commission published their eight volume Report in 1908. [op cit, Volume 8] The introduction detailed the major conclusions about the existing special school system. The Commission reported that they had discovered large numbers of mentally defective people over whom there was insufficient control, whose existence caused misery, injury and mischief to both themselves and others, and who were the cause of continuous and long term expenditure to the state and their own families. They had found a disjointed system of education for children in this category with no subsequent

supervision at the end of it; a system that they considered to be misguided and unworkable. As a result of their medical investigations they found large numbers of uncared for 'feeble-minded' persons at large in the community. They found evidence to suggest that training and supervision at an early age were desirable and that, because various different authorities were involved with such children, it was essential to draw up plans for permanent care so that they could remain the responsibility of one authority. [op cit, paras 9-15]

It was estimated that there were 149,628 mentally defective people, at an incidence rate of 0.46%, a reduction on the average figure provided by the medical inspections, and that of these 45% (66,509) needed immediate custodial care. It was concluded by the Commission that those who were unable to take part in the 'struggle for life' because of mental defect should be given protection, and that it was their mental condition, not poverty or crime, which was the basis for their claim on the state. It would be up to an appropriate authority, usually the LEA, to bring the existence of these people to the attention of a proposed new administrative authority, the 'Board of Control', which would have the power to segregate and detain the 'feeble-minded'. [op cit, Volume 8, paras 17-21]

The Commission recommended that each area should establish a new statutory authority, the Local Mental Deficiency Committee, as an agency of the local Council to deal with the 'mentally defective'. Once organised the duties of Education Authorities related to feeble-minded children would be transferred to The Board of Control who would take responsibility for the

education and training of all the 'mentally defective'. They would, however, be able to contract with the LEA for the supply of special schools. [op cit, para 23]

The Commission also concluded that the permissive legislation relating to special education had failed because of the inadequate number of places that had been provided. [op cit, para 298] Compulsory application of the 1899 Act was not thought to be appropriate because the existing system did not meet the needs of the 'feeble-minded' and could do no more than provide observation and training facilities for some pupils. The existing classes would be retained but they would be used for 'high class defectives' with the responsibility for them being assumed by the Board of Control through local committees who would either accept transfer or arrange for the LEA to run them. [op cit, Recommendation LXXIX]

Although the Commission saw the progress made since 1899 as valuable in encouraging inquiry into incidence and in the development of manual instruction, it was felt the existing special schools could have no long term future. In their current form, they had served their purpose and were therefore expendable. The overall conclusion was that the current provision should be replaced by an institutional system. [op cit, pgs 367-8]

The special education system defined and constructed by LEAs with some legislative backing had been held up to scrutiny and criticism. Pupils with learning difficulties in the new schools and classes had been redefined as



unlikely to succeed and as a possible danger to society, in need of long term care and control with little chance of academic progress or success in becoming self-supporting members of society. The proposals put forward by the Commission were at such variance to the existing system that further development based on the current permissive legislation was unlikely to take place.

Government action on the Report was not forthcoming initially, however. Pressure groups, led by the Eugenic Education Society, (EES) formed in 1907, had been confident that legislation would follow immediately. When it did not they decided to launch their own political campaign. In July 1910 they joined forces with the 'National Association for Aftercare of the Feeble-Minded' to send a deputation to Downing Street to discuss the matter. There was no response to their request for immediate legislation, however, so they drafted their own Private Members Bill in the following year which was introduced into the Commons in 1912. This was designed to provoke action by the Government and establish the principle of segregation. Introduced by Stewart, a member of the EES, it was called the Feeble-Minded Persons (Control) Bill, and was presented in such a way as to appear to be in the best interests of the 'feeble-minded'. The Bill's supporters pointed out that the hereditary aspect made 'feeble-mindedness' an increasing problem, while those who opposed it voiced a traditional political argument, that it threatened individual liberty and should therefore be opposed on principle. Its chief opponent, Banbury, the Member of Parliament for Newcastle-under-Lyme, believed that detaining the mentally defective would be the same as

sentencing them to life imprisonment when they were innocent of any crime. He attempted to counter claims concerning heredity with reference to the environment, condemning the Eugcnists as thinking of the mentally defective as being little better than animals. [Woodhouse, 1982]

Although the Bill failed, it forced the government into producing its own Mental Deficiency Bill which was introduced in June 1912. This differed from the Private Members Bill by proposing an administrative framework. It was opposed on the same grounds as the Private Members Bill, but passed its second reading, failing at the standing committee stage because of the high Eugenic content. It re-emerged in 1913 with controversial sections removed and with a section proposing the establishment of the 'Board of Control' to administer the Act. The Eugenic aspects were played down by supporters who stressed that it met the needs and interests of 'defectives' rather than the future requirements of the race.

The Mental Deficiency Act, 1913, was effective from 1 April 1914. [Lithiby, 1920] The stated aim of the Act was to make 'Further and better provision for the care of the feeble-minded and other mentally defective persons.' Under this Act Education Authorities kept control of the special schools but were under an obligation to inform the new Board of Control of any children over the age of seven who were unable to benefit from education at a special school and any children who were about to leave school who would be likely to need institutional care. The Act also imposed a duty on LEAs to ascertain the

number of defective children in their area, the first time such an obligation had been imposed upon them. [Mental Deficiency Act, 1913]

The EES were convinced that if attempts to control the feeble-minded were to be successful, the legislation needed to be extended to cover children as well as adults, so they supported renewed efforts to make the 1899 Act compulsory. [Woodhouse, 1982] The President of the Board of Education said in 1913 that of 48,000 'feeble-minded' children of school age only one third came under the new Mental Deficiency Act as ineducable, indicating that 32,000 were considered suitable for placement in special schools. The Elementary Education (Defective and Epileptic Children) Bill, 1913 was intended to extend the Mental Deficiency Act by imposing a duty on Education Authorities to provide instruction for feeble-minded children. The Bill's supporters pointed out that the measures were designed to help defective children to become useful citizens, while its opponents saw it as an attempt to undermine parental authority. An attempt at an amendment to make attendance at residential schools voluntary failed and the Bill received Royal Assent on 10 August 1914, completing the establishment of statutory institutional control over all 'defectives'. It now became the duty of LEAs to make suitable provision for the education of all children in their area who were ascertained to be mentally defective.

Despite the threat posed to children with learning difficulties by the discussions, conclusions and recommendations of the Royal Commission, the final outcome was the compulsory introduction of legislation that had been

permissive before the Commission addressed the matter. This compulsory legislation was almost totally ineffective, however. Some active policy development by LEAs continued during this period, usually where the permissive legislation had already been implemented. In these cases, the events surrounding the Royal Commission were largely ignored.

The Special school in Northampton, for instance, had continued to develop largely unaffected by the Commission. Eichholz continued his involvement with regular contact and his suggestions were generally acted upon, reinforcing a positive approach to special education. From February 1907 onwards the subject of Manual Instruction appeared to dominate sub-committee discussions. Eichholz suggested that the head teacher should visit the Hugh Myddleton School in London to explore the matter and plans were eventually made to build a manual instruction room at the school. [Defective Children's Sub-Committee, April/May 1907] A waiting list for entry to the school was established in 1907 and there was evidence that the school was continually monitoring the arrangements that were being made. [op cit, 09.07.07] In October 1907 a child was returned to the Elementary school, while others were reluctantly excluded because of lack of progress as the school attempted to ensure that those given places were the most appropriate for the type of education on offer. The Medical Officer had suggested that those children not making sufficient progress in the bottom class should be placed in a small class on their own for both their own benefit and the benefit of other pupils. [op cit, 08.10.07] This would have meant the employment of an extra teacher and was therefore never implemented. An Aftercare

Committee was formed and a representative attended the National Association for the Feeble-Minded conference with the head teacher annually.

[op cit, 23.10.06, 04.04.08]

The school remained full to capacity and even exceeded its statutory limit while at the same time maintaining a regularly updated waiting list. In February 1909, the Borough Council were sent a copy of a resolution by Birmingham Education Committee which said;

*'This Council, having considered the recommendations of the Royal Commission, do hereby express their general approval of such recommendations and that in their opinion it is desirable that legislation for carrying the same into effect should be promoted as speedily and as practicably as possible and they earnestly hope that the Government will be pleased to give the matter their earliest possible attention'.* [op cit, 15.02.09]

The sub-committee debated the communication and recommended that the Education Committee should pass a similar resolution. They seemed totally unaware of the nature of the Royal Commission recommendations or their implications.

Eichholz inspected the school again in February 1909 and provided a further positive report. The school was used for a meeting of the Special Schools Union in October and in December was visited by the Chairman and Secretary of Darlington Education Committee after Eichholz had suggested it as a centre of excellence. [op cit, 01.12.10]

Despite the national decline in available places, demand continued in Northamptonshire. Consideration was given to allowing children to leave at 14 to ease pressure and some thought was given to increasing the size of the school and to improving both the level and quality of manual instruction, which was mostly provided by tradesmen working on a part-time basis. [op cit, March 1911]

In 1912 the Committee debated and eventually resolved to pass a resolution suggested by the Eugenics Education Society 'That the government should be urgently requested to reconsider their decision with reference to postponement of the much needed 'Mental Deficiency Bill' and to give the necessary time for its passage through the house before the end of the session'. [op cit, 05.05.12]

Further evidence of the Borough's commitment to special needs came in March 1913 when one of the teachers, Miss Jones, was given six months paid leave to study other special schools. [op cit, 06.03.13] As legislation became compulsory, demand for places remained high. Between 1915 and 1928 the school continued to thrive in the same way, gradually increasing in size while at the same time encouraging innovation by its staff.

Although compulsory special education for children with learning difficulties was now established by the 1914 legislation, a significant increase in segregated provision did not result. As the country settled down in the years following the war, with more stable jobs and incomes in many areas and

industries, the demand for improved education for the working classes increased. [Lawson and Silver, 1973, 415-421] The 1918 Education Act gave powers to the Board of Education to compel LEAs to plan for the 'progressive development and comprehensive organisation of education' committing the state to provide aid in proportion to local expenditure. This resulted in increased spending, 'building a post-war world that could justify the sacrifices of war'. [Simon, 1974] This boom nevertheless, failed to reach children with learning difficulties, being quickly replaced by a need to 'conserve such a wasteful dissipation of the nation's contracting resources', culminating in a decision by the Cabinet in December 1920, 'that all schemes involving expenditure not yet in operation are to remain in abeyance'. The Board of Education was singled out for specific criticism for squandering funds.

Despite the existence of compulsory legislation for special education, there seemed no likelihood that any improvement in the existing system would take place. LEAs were occupied with other matters as they grappled to cope with reorganisation, although awareness of the situation was maintained by voluntary societies and teachers' organisations.

The LEAs' obligations to meet the requirements of special needs education were overshadowed by the changes taking place in mainstream education where the parallel systems of elementary and secondary education were gradually being replaced with a two level structure. The movement towards a two tier system was examined by the Hadow Committee, [Board of Education, 1926, 1931] whose main conclusion had been that education should be in two

stages with a break at the age of 11, followed by a choice of alternative 'secondary' establishments, which included 'grammar', 'central' and 'modern' schools. [Lawson and Silver, 1973, 397]

The Hadow Committee proposals received widespread support and the Board of Education urged LEAs to adopt them. Many attempted to do so despite the economic climate and poor financial support from central government. This development meant that the Board of Education felt unable to direct LEAs to carry out special education reforms which would involve them in unreasonable costs, 'urging' them instead to take action at low cost without giving specific guidance. [Board of Education Circulars 1341,1349,1388]

The combined effect of the War, coupled with subsequent recession, and the preoccupation of LEAs with reorganisation meant that implementation of the compulsory legislation of 1914 had a very low priority in most areas. The number of special schools for the 'mentally defective' began to drop (from 198 to 155 between 1919 and 1938) although the number in them increased slightly from 15,527 to 16,375. [Board of Education Annual Reports 1919-1938]

The economic climate resulted in what seemed to be an unspoken agreement between LEAs and the Board of Education where the LEAs did not draw attention to the problem of the implementation of the Act by demanding additional funds to meet the capital costs of supplying sufficient segregated special school places, while the Board did not attempt to force LEAs to meet



the requirements from their existing funds. Pressure for action was still maintained by voluntary organisations, the most notable of which during the post-war period was the Central Association for Mental Welfare (CAMW) who were supported in their campaign by teachers' organisations.

The 1914 special needs legislation was included in the consolidating Education Act of 1921. The only significant change affecting special needs education was an additional section that allowed them to be closed if attendance fell below 15 for three consecutive years. The restatement of aims and obligations had no effect on the numbers of special schools or places available for mentally defective pupils.

The only encouragement by the Board for LEAs to provide places in the immediate post-war years came in a list of 'model arrangements' for ascertaining the existence of mental defect. [Board of Education, 1922] This was distributed to LEAs in 1922, providing them with a framework within which special needs could be organised. The authorities were reminded of their responsibilities without direct pressure being applied upon them to take action.

Although policy development for the segregated system was at a standstill because of financial constraints and despite compulsory legislation, the awareness that most pupils with learning difficulties, whatever the severity of their problems, were in ordinary schools, meant that what happened in mainstream settings became an area where influence could be gained and

policy development could take place. Interest in the 'dull and backward' increased during this period, especially among the medical profession. Those in this category were defined as 'children over the age of nine years who were retarded by not less than three years.' [Board of Education, 1920] The Chief Medical Officer had started urging action to meet the needs of these pupils in his Annual Report for 1917, stating that the "educational problem of the so called 'dull and backward' is of considerable magnitude and numerically far surpasses that of the 'mentally defective' child." [Board of Education, 1918] In 1919 the CMO had suggested that as many as 35% of children over 7 were 'backward'. Shuttleworth and Potts [1922, Chapter VI] had continued to collaborate in producing books concerning mental deficiency and in the 1920s started to include suggestions for this category.

Tredgold [1908] remained an important influence in this period. He considered the lower end of the 'mentally defective' range as indistinguishable from imbeciles, and the higher members as equivalent to the 'dull and backward'. He attempted to perpetuate the idea that only medical experts had the skill and experience that would enable them to accurately diagnose 'mental defect'. He considered the medical observer to be a 'practically infallible professional who could read the physiognomy of individual features and their parts, including facial condition, eye movements and balance of head; and who during an examination would have arrived at a tolerably accurate estimate of the degree of the child's mental capacity'.

The rise of educational psychology, described in detail by Sutherland, [1984] during this period meant that the power of the medical experts was under threat, however. This was partly due to the development of IQ tests which enabled learning disabilities to be quantified for the first time. The foundations of the emerging science had been laid down by Francis Galton in 1884 and extended by the British Child Study Association, formed in 1893. When the School Health Service had been established in 1908, imposing new duties on LEAs in regard to 'handicapped' children, psychological tests developed by Binet and Simon in 1904 had been found useful in helping to determine a child's level of ability. Binet had developed a scale to measure intelligence based on the assumption that the ability to cope with situations increased with age, so that a child of 9 would have more intelligence than a child of 8. Binet and Simon matched specific tasks and questions with groups of children of specific ages. If a large proportion were able to cope with a task this was accepted as a measure of intelligence for that age. Development of these tests allowed a 'mental ratio' or 'age' to be calculated according to universal standards. It was hoped that this would prevent mistakes in sending children to special schools, a criticism that had been levelled by the Radnor Commission. [DES, 1968, Binet and Simon, 1914]

The introduction of psychological tests undermined the medical profession's dominance of the ascertainment process because it was not necessary to be medically qualified in order to use them. A further shift in emphasis took place in 1912, when London County Council advertised for a part-time Educational Psychologist, attached to the Inspectorate rather than the

Medical Department. The successful candidate was Cyril Burt, who was appointed in May 1913 when aged 30. He remained in the post until 1932.

[Hearnshaw, 1979]

The LCC continued to give special needs a high priority but eventually conceded that meeting the requirements of the 1914 Act was impossible. The Medical Branch of the Board had calculated that 1.23% of children in the London County Council area were in special schools. If this figure was applied to the rest of the country it would provide an indication of the cost and number of places that would be required to fulfil the Act requirements.

This application provided the following analysis;

<i>Area</i>	<i>Number of Defectives</i>	<i>Projected Annual Cost</i>
County Boroughs	22 217	£ 666 510
Municipal Boroughs	5 963	£ 194 670
Urban Districts	4 043	£ 121 290
Counties	24 863	£ 2 235 870
London	7 706	£ 231 780
<b>Total</b>	<b>64 772</b>	<b>£ 3 449 520</b>

[PRO ED50/155, 1923]

These costs were calculated on the basis of £30 for a day special school place and £90 for a residential place. Provision at the time stood at just over 16000 places, one quarter of the above figure. The annual cost for all special schools was £1,500,000. Setting up nationwide provision based upon the incomplete London system would require an initial outlay of £16 million. [PRO ED 50/155, 1923]

In response to continued demands for action from voluntary bodies and teachers' organisations, the Board started to develop strategies to appear to be considering the problem, while ensuring a delay to any recommendations for action. The process started in 1923 when A H Wood, a Secretary in the Medical Branch, was asked to prepare a policy document on the 'Mentally Defective' to be considered within the department. Wood felt strongly that LEAs should comply with the existing legislation, although he was aware of the difficulties they faced. He put forward ideas that he thought worthy of consideration to enable the education authorities to at least make a start in meeting their obligations.

One option he proposed was to reduce the number of children who actually required segregated provision. The London system had been seen as a positive response to the legislation, but even here it had still not been possible to provide places for all children who required them. To apply this limited 'London System' nationwide would result in a slight reduction in the number of required places. This could most easily be achieved by excluding borderline 'mentally defective' children. This option was rejected by Wood, however, because those excluded would then require long-term care which would increase the burden on the Local Mental Deficiency Authority (LMDA). An alternative would be to admit to special schools only those children who would be able to contribute materially to their upkeep. This was rejected on the same grounds and because it was contrary to the interpretation of the original Act.

Wood made three further suggestions which he felt could be implemented by the LEAs. The first was to reduce special school numbers by placing 'high grade defectives' with the 'dull and backward' in special classes in ordinary schools, and to introduce cheaper special schools for 'low grade defectives'. Further legislation was also suggested to introduce discretionary powers to allow the 'mentally defective' to leave special schools at 14 if they had found employment, and to introduce 'supervision' arrangements for children who had been ascertained as 'mentally defective' but for whom no places were available. Wood also suggested a Circular, urging LEAs to make full use of their existing powers. [PRO ED 50/155] This was the most attractive and easiest option for the Board and became a device used extensively over the next twenty years to put off more decisive forms of action.

Wood was directly responsible to George Newman, the Chief Medical Officer in the Board of Education. Newman had overall responsibility for the education of 'mentally defective' children and it was he who had to respond to Wood's suggestions. On 17 July 1923, Wood was sent a memorandum informing him that while the CMO agreed with his findings he felt that 'good policy' would indicate the necessity of providing small special schools as a *sine qua non* (prerequisite) where observation as well as education could take place. [PRO ED 50/155, 1923] Further legislation was dismissed in a memorandum of 21 August 1923 for three reasons; it was felt that existing powers had not been exhausted; the Board itself was in a period of transition regarding their views on diagnosis and treatment; and changes to existing legislation would involve the Lunacy Laws and were not thought practicable

at this time. [PRO ED50/155] Wood's other suggestions were also rejected because they would increase the burden on the Board of Control, or raise or lower admission standards. Total rejection of all the proposals would lead to criticism being levelled at Newman and the department, however, so it was decided to press LEAs to carry out ascertainment and encourage them to set up low cost special schools and occupation centres, train 'high grade defectives' with the 'dull and backward', and allow pupils to leave special schools at 14 if work was available for them. [PRO ED 50/1508]

This was to be communicated to LEAs through a Circular. A number of bodies were consulted in its preparation, again creating the widespread impression that the matter was being attended to. On 18 November 1923, a draft was sent to the Board of Control, CAMW, the County Councils Association, the Directors and Secretaries of Education Committees, the National Special Schools Union, and four branches of the 'Society for the Protection and Care of Feeble-Minded'. Suggestions were received from most of these groups which were incorporated into many subsequent redrafts. Some organisations who had not been sent the draft directly, including the National Union of Teachers, also contributed. There were so many redrafts over the next few months that complaints were made by the Stationery Office. [PRO ED50/155]

The Circular was issued on 12 September 1924 urging LEAs to;

- perfect arrangements for ascertaining the number of 'mentally defective' children;

- regularly review special school pupils, returning them to ordinary schools or referring them to the LMDA as appropriate;
- make home visits where ascertainment had taken place but provision was unavailable;
- give advice to parents about the possibility of review;
- consider reports from medical officers, teachers and others before referring a child to the LMDA;
- consider retaining 'high grade defectives' in classes for the 'mentally retarded';
- and establish close links with the LMDA. [Board of Education, 1924]

Newman was aware that the contents of the Circular would neither go far enough to meet the requirements of the Education Act or satisfy the voluntary organisations. In order to extend the idea that he had the matter in hand and remove the impression that the existing legislation could be ignored, he established a small committee, with Wood as its chairman, to consider all matters related to 'mental deficiency', which included estimating how many defectives there were and deciding what could be done about them. Newman invited some of those who were agitating for action to join this group, which was to have no terms of reference, no formal status and was under instructions to keep its discussions informal. He misjudged the situation, however. The group took its work very seriously, assuming that the lack of specific terms of reference meant that they had unlimited discretion to do what they thought was most appropriate. [PRO ED 24/1199] What had



been developed by the Board was a strategy for maintaining 'drift' in policy development

Wood's Committee brought together some of the leading 'experts' on 'mental defect' of the time including Cyril Burt, A F Tredgold, Evelyn Fox of CAMW, Ellen Pinsent and Ralph Crowley. Crowley, Pinsent and Tredgold had all given evidence to the Radnor Commission. Wood himself was established as an authority on the administrative issues of 'mental defect' within the Medical Branch of the Board so it was not surprising that such a group should feel itself well-qualified to examine every aspect of the matter in detail and make forceful recommendations about what should be done.

The Committee, appointed in June 1924, was constituted as follows.

<i>Arthur Wood</i> -	<i>late assistant secretary, Medical Branch, Board of Education.</i>
<i>Ralph Crowley</i> -	<i>Senior Medical Officer, Board of Education</i>
<i>Cyril Burt</i> -	<i>Educational Psychologist of LCC and Professor of Education, University College, London</i>
<i>Cecil Eaton</i> -	<i>Assistant Secretary, Medical Branch, Board of Education</i>
<i>Evelyn Fox</i> -	<i>Secretary CAMW</i>
<i>Ellen Pinsent</i> -	<i>Commissioner, Board of Control</i>
<i>Hilda Redfern</i> -	<i>Inspector, Board of Control, formerly Head of Monyhull Colony School for MD Children</i>
<i>Frank Shrubsall</i> -	<i>Senior Medical Officer, LCC</i>
<i>Alfred Tredgold</i> -	<i>Lecturer in Mental Deficiency at London University</i>
<i>Douglas Turner</i> -	<i>Medical Superintendent, Colchester</i>

*N D Bosworth-Smith* of the Medical Branch of the Board of Education acted as secretary. [Board of Education and Board of Control, 1929 (the Wood Report) A2]

In addition to the main purpose of finding out how many 'defectives' there were and what could be done with them the Committee were also asked to

look at ascertainment, the relationship between the mentally defective and the dull and backward, existing arrangements, including care and aftercare, and define further lines of enquiry. [PRO ED 24/1199] Once the Committee was established, the Board of Education were able to dismiss the matter, secure in the knowledge that something was being seen to be done.

A further Circular, (1349) [Board of Education, 1925] which covered all forms of special education was distributed to LEAs in 1925. Included in this document was the information that there were 150,000 'defective' children of all types but only places available for 41,000. LEAs were urged to make the necessary advances in provision through efficient ascertainment and the development of special schools. With regard to the 'mentally defective', the contents of previous communications were reiterated, with the additional suggestion of 'supervision arrangements' presented as an acceptable alternative to new special schools. If initiated, it meant that pupils names could be noted, but no action would be taken to secure provision.

Development of the segregated system of special schools came to a standstill once it became generally known that a Committee was investigating the matter. Between 1924 and 1929 the number of schools dropped from 197 to 181. [Board of Education, 1924-1929] The Board of Education were continually reminded of the matter by questions in Parliament, for example, that the lack of new provision was seen as only a temporary pause in providing sufficient places.

In February 1927 the Board of Education officially halted the development of segregated provision for mentally defective children altogether with the issue of Circular 1388, which reminded LEAs that they 'were aware' that the problem of the 'mentally defective' was being discussed by a special committee and that only in exceptional circumstances would it be appropriate to incur heavy expenditure in establishing new special schools or enlarging existing ones. [Board of Education, 1925]

Concern about the inability of LEAs to meet their legal obligations died down to an extent after the issue of the Circulars and the establishment of the Committee. The Board had succeeded in creating the impression that action was being taken and consequently found themselves under less pressure from Members of Parliament, voluntary organisations and teachers' associations, while those with an interest in the system waited for the Committee to report.

This period had seen two major investigations and the publication of a report which, although containing far-reaching recommendations, had very little direct effect on the development of education for children with learning difficulties in areas where it had already been established. The framework and basis for the segregated system that had been given legal but permissive status in the 1899 Elementary Education Act had legitimised the independent actions of the School Boards, but once the organisation was enshrined in compulsory legislation, the system developed more slowly with only urban authorities adopting policies to implement it. The Radnor Commission with its concerns about the danger that children with learning

difficulties who were categorised as 'feeble-minded' could create for the rest of society, undermined the attempts made so far. The Commission's proposal to remove the responsibility of schools of special instruction from the LEAs, and the Government's long pause before reluctantly responding to the Report, meant that many of LEAs who had not already implemented the 1899 legislation were unprepared to do so given the uncertainty of the situation.

The eventual decision to make the existing permissive legislation compulsory in 1914 had the opposite effect, as segregated places began to diminish. The first world war followed by recession and educational reforms in other areas led by the Hadow Committee recommendations meant that implementation of the statutory duties for children with learning difficulties were accorded a low priority for many LEAs as a long period of drift in policy began.

This drift was encouraged by the Board of Education. Between 1906 and 1914 they were able to stand back from the lack of development, giving only a minimum amount of guidance as LEAs decided independently whether or not to implement the Act. The introduction of the compulsory, but otherwise identical, legislation in 1914, however, gave the Board a clear duty to ensure that Education Authorities met their obligations under both the Mental Deficiency Act and the Education Act. The Board's previous inaction was no longer appropriate, but at a time when implementation of what was in reality inadequate legislation, suitable only for large urban areas, the efforts were directed almost entirely towards reminding LEAs of their responsibilities without attempting to ensure direct action. Within the authorities there were

much higher priorities and as there appeared to be no consequence to continuing to ignore the legislation, it was not surprising that the inaction was widespread. Pressure from voluntary organisations and teachers' associations was easily deflected.

The outcome of all this was that while little development in policy towards those segregated in special schools took place, there was some consolidation in the status of the existing 'Mentally Defective Schools' as they became known in this period. In areas that already had them, they became an integral part of the system and were accorded due consideration by the various sub-committees that controlled them, providing a familiar model for development on a nationwide scale at an appropriate time when resources were available. Despite the compulsory nature of the Act the conspiracy between the Board and the LEAs ensured that it remained permissive.

Interest did increase in the 'dull and backward', the group of pupils with learning difficulties that it was accepted would always remain in mainstream schools. This development laid the foundations for inclusion in a broader category in response to Wood's deliberations and ultimately to conclusions about the future direction of development following the Report. Interest in the category by the medical profession, together with pioneering work by some LEAs and the publication of books about 'backwardness' further raised the profile of work in this area. The enforced residence of most of those thought to be 'feeble-minded' and 'mentally defective' in the Elementary schools meant that action to enable mainstream schools to meet the needs of a

wider range of pupils represented an important move towards making better provision for all children.

The interest in the dull and backward and the implications of this for Elementary school-based provision complicated the definition and ascertainment elements. The 'care and control' vocabulary of the Royal Commission and the confirmation of the 'self-supporting' element of the definition had meant that children with learning difficulties segregated into special schools were seen as much more of a threat to society than previously, aligning them more with the 'idiots' and 'imbeciles' who were excluded from special schools. The eventual legislation secured continued existence for those schools already established.

The first suggestions by the Board for dealing with the mentally defective in mainstream schools arose out of the accepted inability of LEAs to provide places. This comprised the alternative arrangement of 'supervision' which involved identifying and monitoring pupils without excluding them from schools altogether but also without providing them with an appropriate education.

The special school in Northamptonshire, established in 1905, remained innovative, continually full to capacity and unaffected by events around it, operating as an integral part of the education system in the Borough. There were no other similar special schools in the rest of the County, where the responsibility was the County Council's, although an 'open air' school, opened

in the mid 1920s in Kettering for children recovering from tuberculosis, took in a few 'mentally defective' pupils.

### *Summary*

Although the period had shown little improvement in terms of increased segregated provision, it had been significant because the special schools established in the 1890s had survived the onslaught of the Radnor Commission. Some interest had been shown in meeting needs in mainstream settings and the Board of Education had been unable to ignore what was happening despite failing to encourage direct actions by the LEAs.

The contribution of LEAs in this period had been severely limited by a prolonged period of recession on one hand, and by the Royal Commission and the Mental Deficiency Committee and the subsequent internal Board of Education committees on the other.

The most significant constraint in this period, was the legislation that should have ensured that development took place, backed by a deliberate policy by the Board from 1924 onwards to actively discourage the establishment of new special schools.

The most important contribution was made by education authorities like Northampton Borough Council, who, having established a system which worked for them within the legislation, operated in an isolated pocket during

the period to maintain the principle that where there were pupils with learning difficulties, some kind of response, over and above that normally available, was appropriate.

Despite the intentions of the Radnor Commission, the answer to the question of who required access to special needs education, and where it should be undertaken remained the same. The increased interest in the 'dull and backward' meant that the division between this group and the 'feeble-minded' began to blur slightly. The medical profession retained their influence on the ascertainment process, although the rise of educational psychology meant that other assessment measures were now being applied. Participants still had very few rights, and the administrative framework, despite the compulsory nature of the legislation, remained fragmentary.



## Chapter 5

### Merging categories : Dual Policy; Integration and segregation

1928-1971

*The Report of the Mental Deficiency Committee and the broader 'remedial' category. 1944 legislation and the ESN category. The Ministry of Education Policy of integration while the segregated system expanded rapidly.*

This chapter provides an account of the conclusions and recommendations of the Mental Deficiency Committee and the constraints placed on LEAs by the Board of Education to ensure they were not acted upon. This is followed by an account of the change in attitude that resulted from the 1944 Education Act, where the new Ministry positively encouraged the establishment of sufficient segregated places to meet the needs, while at the same time stressing a requirement for needs to be met in mainstream schools.

The report of the Mental Deficiency Committee provided a fresh start in the arrangements for meeting the needs of children with learning difficulties in both mainstream and special schools. The serious financial constraints in a period of recession meant that there would be no resources available to finance new initiatives, although the report did significantly change many of the concepts relating to special educational needs.

The completed report was handed to George Newman in December 1928. He passed it on to Lord Percy, President of the Board of Education, who did not seem to be sure what to do with it. The sections dealing exclusively with children described the current definitions and categories, the present legal situation and the existing special school system. A medical investigation undertaken on behalf of the Committee was outlined and new concepts of 'mentally defective' and 'retarded' children were introduced which formed the basis for the report recommendations. [Board of Education and Board of Control, 1929] Shortly before the Committee completed its work, the Board began to realise that its scope and influence had gone far beyond that originally envisaged by the Chief Medical Officer. When Newman had established the Committee he had thought that the conclusions and recommendations would be discussed within the Board and away from public scrutiny. The realisation that this was not the case came too late to enable him to limit the work or restrict the Report, as a number of interested organisations and individuals were eagerly awaiting publication.

Percy had first asked Newman for an explanation of the origins of the Committee in April 1928. Newman had informed him that the idea for a small committee had arisen during a conversation with Dr Crowley, of the Board, and Evelyn Fox, of CAMW, who had been pressing the Board for action to supply more special school places. Invitation letters had been sent to a small number of individuals asking them to join the committee clearly stating that it was to be informal, with no terms of reference. [PRO 24/1199, 1928]

The final Report, however, had not only described the existing situation but also put forward radical proposals for future provision. It provided the Board with a comprehensive description of the current situation and a constructive example of the desired direction of change.

The Committee accepted the first world war as a reasonable excuse for the failure of many Education Authorities to start ascertainment and implement special needs policies according to statutory requirements, but once reasonably normal conditions had been re-established it should have been within their capabilities to give serious consideration to their obligations. [Board of Education, Volume 1, para 1]

The definition of 'mental defect', as usual, had posed problems. It was concluded on this occasion that 'mental deficiency' was indicated by a number of factors which included mental capacity, educability, aptitudes, emotional responses, temperament and character. Society was viewed as being made up of those who were independent and adapted to it (the normal), and those who were not (the 'mentally defective'), who could not cope without supervision. This group could be categorised further in three ways, those who had not achieved a normal stage of development, those who had developed normally but were suffering from a mental disorder which made them temporarily incapable, or those who had developed normally but were now deteriorating. [op cit, paras 26-31] The danger with this definition was that children could be described as 'mentally defective' on the grounds of incomplete

development in educational terms and then included in a group where the emphasis was placed on the 'care' they needed rather than the education.

The Committee felt that a more precise definition was required which would include the difficulty an individual could experience in adapting to his surroundings and existing independently, although the first indication of this would still be when a child began to 'fail' in an educational environment. They wanted to see 'mental defect' defined as 'a condition of incomplete development of the mind to such a degree or kind as to render the individual incapable of adjusting himself to his environment in a reasonable, efficient and harmonious manner and to necessitate extended care, supervision and control'. [op cit, paras 28-31]

The Committee accepted that the degree of 'mental deficiency' varied considerably, and that a wide continuum of defect existed. Differentiation between each group in the continuum was stated in terms of social criteria. 'Idiots' were seen as those who could not protect themselves from common physical dangers, lacked an instinct for self preservation and were incapable of scholastic education. 'Imbeciles' could be taught to perform simple tasks but would be incapable of earning a living. The 'feeble-minded' could be trained to contribute towards their keep but remained inferior to the lowest grade of 'normal' child because they could not adapt to circumstances outside their previous experience and were also lacking in certain features of intelligence including planning for the future and existing independently. [op cit, para 20]

The Committee described the duties they felt LEAs should be fulfilling. They had legal responsibilities under the 1921 Education Act which included carrying out ascertainment, providing a medical certificate as evidence of 'mental deficiency' and providing suitable education for those ascertained between the ages of 7 and 16, unless they were notifiable to the LMDA. They were also empowered to provide special education for children under 7 if the parents were agreeable, and to maintain boarding schools, or contribute to the cost of those run by voluntary organisations or other Education Authorities. They were also required, under the Mental Deficiency Act, to 'notify' the LMDA of three groups of children with particular mental defects; those who could not be dealt with in special schools without 'detriment' to others, those who needed to be dealt with by the LMDA at the age of 16, and those who needed supervision and care between the ages of 7 and 16 under the Mental Deficiency Act. This meant that the effectiveness of the Mental Deficiency Act for children depended to a great extent on the efficient execution of the Education Act, otherwise, children would not be notified to the LMDA unless they got into trouble or a parent made a request for assistance. [op cit, para 26]

Part of the work of the Committee was to describe current arrangements. In looking at the existing Mentally Defective Schools under the 1921 Education Act, their aim seemed to be to locate schools that could be regarded as examples of 'good practice'. [op cit, Introduction] What they found, however, was a number of small establishments that could still be criticised according to the same criteria employed by the Radnor Commission. The criticisms on

this occasion, however, were only directed towards smaller schools or single class provision and were mainly related to costs and the age ranges in classes. Larger schools were not thought to have as many disadvantages. [PRO ED50/121 memorandum, 1925] It was suggested that LEAs that decided to establish 'old style' larger special schools in accordance with current legislation should be encouraged by the Board.

The Committee discovered that 33,000 children had been ascertained as 'mentally defective' through normal procedures, (0.6% of the school population), of which 9,000 were thought to need residential accommodation. The number placed in special educational establishments was 14,850 in 159 day schools, and 1,900 in 21 residential schools, 12 of which had been provided by voluntary organisations. The average number in each school was 90. [Board of Education, 1929, para 55]

Although residential schools had originally been proposed for pupils in rural areas who were unable to attend day schools, it was found that some places had been taken by children from urban areas who were unsuitable for them because of their behaviour or backgrounds. The Committee felt that the provision of sufficient residential places was inappropriate even if it could be justified economically, because it was felt that the majority of children could be taught in day schools and did not need continuous care. In any case, parents remained reluctant to send their children away. Some increase in residential places would, nevertheless, be required. [op cit, para 64]

The Committee noted that places in day schools were significantly below the required level, accepting that increases in this form of provision would be difficult to achieve because the establishment of such schools was not viable unless there were at least 40 places. A district that could support such a school would require a child population in excess of 8,000 or an overall population of 55,000. Some special schools for smaller numbers had been established, but many were not considered successful and others had been forced to close. The Board were eager not to sanction further single classes or all age schools. [op cit, paras 58-59]

The Committee located 17 towns with a population below 50,000 that had established day special schools, some with accommodation for only 20 children. Most were for between 25 and 54 children, but the average attendance was only between 15 and 25. They were not seen as models of good practice, mainly because the LEAs were thought to have allowed 'low grade defectives' to make up the numbers instead of referring them to the LMDA. This made it difficult to secure the attendance of the 'higher grade defectives' for whom the schools had originally been intended because parents objected to their children associating with the 'lower-grades'. Some LEAs had recognised this problem and used it as an excuse for not establishing provision. [op cit, para 65]

There were 100 towns in England and Wales with populations of over 50,000, of which 40 (mostly those with populations below 60,000) had no special school, even though they should have been able to maintain establishments

for up to 50 pupils. The Committee did find a small number of special schools established in large urban areas that were making generally good provision, but concluded that the system could not be extended beyond its current limits and that it was time to consider more appropriate methods. [op cit, para 159]

The major advantage of special schools over ordinary schools was thought to be their capability to adapt without having to stick to a rigid curriculum. Manual work remained the most important element in the curriculum, not only because it was suitable for all educational purposes, but also because it was the best way to train children for a trade which would enable them to at least contribute to their maintenance on leaving school. The basic aim of the schools was to provide 'all round training calculated to give a boy or girl confidence in entering upon a job'. The range of manual instruction available at this time included such diverse activities as gardening, boot repair, tailoring, carpentry and metalwork for boys; domestic work, housewifery, laundry work, simple sewing, simple garment making, and embroidery for girls. The type of job that leavers could be expected to secure would be of 'simple order' and included, mechanical work in factories or workshops, running errands, labouring or domestic work. Some leavers would be expected to acquire trades such as brick-laying or painting. In one area, 25% of leavers were reported to have gained skilled or semi-skilled work in engineering. [op cit, para 63d]

The Committee felt it was desirable for a split to take place at the age of 11 along lines proposed by Hadow for other schools, allowing large or secondary



schools for the 'mentally defective' to be established, at least in large urban areas, in order to concentrate on manual tasks and improve the range of skills available. [op cit, para 158]

This review of the current situation confirmed once more that most of the ascertainable 'mentally defective' were in Elementary Schools. It was felt that much had been attempted to meet needs and valuable experimental work had been carried out, which included the establishment of special classes within mainstream schools, grouping within classes and the use of 'individual methods'. [op cit, para 100]

'Care Committees' had been set up by LEAs in some areas in response to Circular 1341 in order to overview the care of the 'mentally defective' attending both special and ordinary schools. In other areas *ad hoc* committees similar to those of the Local Mental Welfare Associations had been formed to visit ascertained 'mentally defective' children two or three times a year when they were unable to attend special schools or where places were not available. These Committees were said to be of great assistance to both parents and LEAs in keeping both informed of any problems, but constituted a poor substitute for an appropriate education. Many children were still left without ascertainment, placement or supervision. [op cit, para 22]

The consequence of this review was that the Committee concluded that the Mental Deficiency Act and the Education Act had both failed to achieve their purposes. Ascertainment was far from complete, the legislation itself was

obscure and ambiguous, special school places were insufficient and there seemed no likelihood under the present system that it could be extended. Existing legislation placed a duty on LEAs to ascertain cases and provide places, but the years following this compulsory act had established the view within many LEAs that it was unenforceable. There seemed no way out of this situation. Critics had been told by the Board in the past that the existing legislation was all that was needed and that the LEAs were being constantly urged to carry out their duties, but even this pretence of concern was dropped once the Mental Deficiency Committee was established. In the same way that the education system had waited for direction from central government following the Radnor Commission, now it waited for a solution from Wood's committee.

Difficulties in the Committee's investigation became apparent almost immediately because the scope of the existing problem was difficult to define in terms of quantity and distribution across the country. As a condition of continued recognition, LEAs that had schools for the Mentally Defective had to submit annual returns which showed how many pupils were attending. The figures for 1924 were available to the Committee but varied significantly, from 0.073% of the school population to a figure twenty times greater at 1.61%, a variation explained by inconsistencies in the ascertainment process. The Board felt that it would be inappropriate to base an administrative framework on such variations, and the Committee realised that they would be unable to make any positive recommendations unless they

had a clearer picture. They therefore decided to commission a detailed investigation. [op cit, para 20]

It was felt that this could only be achieved through extensive study in areas that represented a cross-section of society, and which provided a large enough sample to enable accurate estimates to be made. The Committee were aware that any discrepancy or irregularity in the results of such a survey could be used by the Board to delay action, so it was decided it should be carried out by one person in order to eliminate the risk of the application of different standards. The Committee secured the services of Dr E O Lewis, who was seconded from the Board of Control, to carry out the survey. [op cit, para 8] They were confident that it would be more accurate than both Warner's and the Radnor Commission's.

The study focused on in six areas, each with a population of about 100,000. Lewis and his team spent three months in each. The main source of information was the Public Elementary School. It was felt that there was no doubt that nearly all children of school age attending Elementary and Special schools who were mentally defective in the areas were seen and examined by Lewis. He was conscientious in his work. Children were not entered on his records as mentally defective until they had been selected by the head teacher, undertaken a group test, and been examined by Lewis himself. [op cit, para 78]

Lewis found that schools containing the largest number of 'feeble-minded' children were usually situated in large urban areas or in rural areas where there was a high proportion of adult defectives. The Committee agreed that the low physical and mental levels of 'slum areas and poor rural areas were most likely to produce 'mentally defective' persons. It was also accepted that physical conditions, such as undersized stature, rickets, anaemia, eye diseases and skin conditions, most commonly found in poor homes, were far more frequent among the 'mentally defective' than among the population as a whole. This suggested that mental deficiency, physical deficiency, pauperism and recidivism were all elements of the same problem. [Lewis, 1929]

The six areas in Lewis's study contained altogether an estimated population of 630,000. The total number of defectives found in all the areas was 5,334, an incidence of 0.856%. In urban areas the figure was 0.671% and in rural areas 1.049%. Applying these figures to the population as a whole (including both children and adults) suggested that there were 202,600 'defectives' in urban areas and 86,000 in rural districts, 288,600 altogether. This gross figure comprised all 'mentally defective' persons within the meaning of the Mental Deficiency Act and all children within the Education Act, including a third whose defect was educational rather than social and who would probably not be regarded as mentally defective under the Mental Deficiency Act alone.

As the figures were higher than the previous investigation the Committee took steps to explain the discrepancy in order to deflect criticism. Four reasons were given; the time factor was greater, the Radnor investigators had

spent only two to three weeks in each area; there was greater completeness in Lewis's survey among school children and better knowledge of schools; ascertainment had been facilitated by the growth of social services and the number of professionals who could pass on information to Lewis; and finally, the numbers had actually increased in general terms because of the greater longevity of defectives, improved hygienic conditions, the growth of the health services and different interpretations of standards. [Board of Education, 1929, paras 75-78, 84-85]

Lewis's conclusions provided a clear description of the task facing the Board of Education and the LEAs. When adult 'defectives' were removed from the calculations the estimated number of 'mentally defective' children was 105,000, 75,000 in towns and cities and 30,000 in rural areas. [op cit, para 83] Over 77% of the existing 'mentally defective' would, therefore, currently be unsupported in the Elementary Schools. Of these, Lewis felt that 81,000 would be able to attend day special schools with the remainder, needing residential provision.

Before detailed recommendations could be drawn up, it was felt necessary for the Committee to consider the 'dull and backward', as set out in Newman's original guidelines. Lewis had drawn attention to the link that was thought to exist between them because they both came from the same 'social problem group' that made up 10% of the population. [Lewis, 1929]

The 'backward' were defined by the Committee as those retarded by two years or more without being mentally defective. By the time they reached the middle years of schooling, they would be so retarded in mental development or attainment that they would be unable to profit from instruction in the class below the normal one for their age. Generally speaking the upper limit for the 'dull and backward' group was an ability level of 85% of their chronological age. It was thought the 'backward' should be ascertained by the age of 7 and that the recognition of such a group within the elementary schools was 'one of the most urgent educational needs of our time'. The introduction of special classes for the backward would lead to attention being drawn at an early age to the social, temperamental and intellectual difficulty of each one and so save some from a life of 'hardness, poverty and care'. [Board of Education, 1929, para 105]

This category of child had always been dealt with in the Elementary School, occasionally being dispatched to the special school in error for a short period and then returned because of the progress that had been made. The Committee felt that their needs had been ignored for too long. Those making up the group had not been adequately identified because there was no efficient screening procedure, and insufficient research had been carried out into the causes of backwardness and whether or not the 'condition' was curable. It was felt necessary to consider the needs of this group in addition to the needs of the 'mentally defective and feeble-minded' because they were related to, and could form part of the higher levels of the same category. They needed to be accounted for in future planning, because the existing provision

for them was unsatisfactory. Some LEAs had organised special classes within elementary schools but it was thought there was little profit in this because the methods used were unsuitable. [op cit, para 96]

This further complicated the task facing the Committee. They had already accepted that it was impracticable to implement the existing legislation for other grades of mental deficiency, but they nevertheless decided that the 'dull and backward' needed to be included in their proposals. The enormity of the task was highlighted by Lewis [1929] when he stated that for every child who could be classified as 'feeble-minded' there were two or more of only slightly higher mental capacity. Recent research by educational psychologists had suggested that 10% of children in the Elementary Schools were 'retarded' by two or more years. This meant that the 'dull and backward' category could contain up to 500,000 pupils. [Burt, 1937] The existence of the 'feeble-minded' was thought to have diverted attention away from the needs of this larger group, although the Board and the LEAs were aware of its existence.

Integrated provision was therefore seriously considered for the first time in order to take account of this newly identified and extended group of children with 'learning difficulties'. The Committee believed that many of those involved in education felt that most 'feeble-minded' pupils could be taught by the same educational methods that were appropriate for the 'dull and backward'. They were thought to make incompetent pupils rather than incapable citizens under the Mental Deficiency Act. What they needed was not the label of 'mental defect' with associations of control and care, but a

special form of instruction. [TES, 1929, Board of Education, 1929, para 106]

The Committee proposed that the 'mentally defective' and the 'dull and backward' should in future be regarded as a single educational category known as the 'retarded' group defined as 'all children who, though educable in the true sense of the word, are unable to profit from the public elementary school *as currently organised*'.

Suggestions for making better provision for this new group came from an examination of existing practice and included the following;

- smaller classes,
- group teaching within the class,
- fuller recognition of individual methods of instruction,
- grouping in large ordinary schools where it would be possible to make provision for the majority without any obvious separation,
- special classes for children 2 to 3 years retarded with special methods,
- attendance at special classes for specified times,
- separate departments in schools,
- individual methods or peripatetic teachers for rural areas. [op cit, paras 116-119]

Description of the new 'retarded' category led to consideration of the relative responsibilities of the Board of Education and the Board of Control. It was suggested, as a broad general principle, that LEAs should make provision for all children who could derive any benefit from instruction in academic or manual subjects as currently taught in special schools and who could be fitted



into the existing machinery. Responsibility for children who could not cope at all would be transferred to the LMDA. The recommendations were dependent upon decisions concerning changes to leaving ages and the progression from primary to secondary schools with a split at 11, which the Wood Committee felt should also be applicable to the 'sub-normal' as it was felt that the 'mentally defective' child under 11 could easily fit into the Elementary School until that age without affecting other children.

It was not thought appropriate for children between 7 and 11 to be labelled as 'feeble-minded'. This period could be considered as one of 'probation and salvage', allowing individuals an opportunity to respond to mainstream education and justify their retention in it. It was thought possible to include nearly all children under 11 in Elementary Schools except for a few 'idiots' and those whose presence was 'detrimental' to others. This would allow teachers and medical officers to carry out accurate assessment and ascertainment over a lengthy period, ensuring appropriate placement on leaving the primary school. [op cit, para 116]

As pupils were 'certified' for both placement in special schools and exclusion from school, the question of how the 'certificate' would be used to ensure that children received the most appropriate form of education was considered. If the recommendations were going to involve between 300,000 and 500,000 it would be unreasonable to expect medical officers to examine and certify all of them. In any case, the Certificate had a long history of resentment by parents, and could often become a handicap in itself once the certified

individual had left school. If the certificate regulations were withdrawn, however, LEAs' power to enforce attendance at special schools would be diminished. It was proposed, nevertheless, that it should be abolished. The Committee felt that LEAs should be relieved of the duty of 'formal ascertainment' of 'mental defect', although they would retain a duty to discover by medical and psychological examination, those who needed special treatment. Ascertainment and certification under the Mental Deficiency Act would remain. [op cit, paras 138-141]

Although the recommendations were eagerly awaited by politicians and other interested parties the Board of Education were initially unwilling to publish them. In a Departmental Note of 8 February 1929, it was suggested that the Report should be submitted to an Office Committee, set up by Newman. The Chief Medical Officer would then find that certain sections of the Report were outside the Committee's terms of reference, especially those relating to finance, and exclude them, allowing a modified version to be published. The Board seemed determined to delay publication for as long as possible, but accepted that total refusal would be seen as a 'breach of faith' resulting in a 'storm of criticism' and suspicion that something was being held back. [PRO ED 1199, 1929]

The major problem remained the cost of the recommendations. The additional expense had been estimated to involve an extra £1.8 million, a figure the Board did not want published or debated publicly. Further pressure came from the need to reassure LEAs that they would not suddenly be subject to

demands to provide expensive accommodation on restricted budgets. Eventually it was decided that the best course of action would be to publish the Report in separate parts in order to minimise its impact, with references to finance and legislation removed and a carefully worded preface stressing the difficulties that the Report presented.

Wood was summoned to a meeting on 11 February 1929 when he was asked to consider three suggestions from the Chief Medical Officer. These were that there should be no mention of specific figures as regards finance, that there should be two documents not one, dealing with children and adults separately, and that there should be no mention of legislation. [PRO ED24/1199, 1929]

Within two days the offending elements had been deleted but publication was delayed until after the Local Government Bill had passed through Parliament. Wood was kept informed of the delays and asked to write a preface which was to contain the 'right' perspective. This was changed several times over the next two months. Wood at one point complained that the alterations 'impaired the cohesion and force' of the Report. The final version of Wood's preface remained unequivocal, however, stating that the matter of adult and child 'defectives' was a unitary problem that could not be dealt with as two disjointed parts, and that it was presented in that way because 'it was more convenient for their (the Board's) purposes'. The Report was finally published in May 1929. Wood's prefatory note was dated 19 January, although he had been at work on the final draft only a few days

before. A note was also included, stating that the Report had been altered from its original form. [Board of Education, 1929, pg A21]

The only indication of the likely costs of the proposals was contained in a single sentence, [op cit, para 148]

*'We will only add here that though we have given no estimate of the expenditure that would be required to carry out the scheme we recommend, we have satisfied ourselves that it is financially practicable and that it's costs would be considerably less than that of putting existing legal and administrative arrangements into full operation'.*

This obscured the fact that both options would involve considerable expense and that neither was currently viable.

Eventual publication allowed interested parties an opportunity to see an official view of the future of special education for children with learning difficulties. *The Times Educational Supplement* [May 1929] placed the news of the publication on the front page, an unusual occurrence as special educational matters were rarely given priority. The TES summed up the Report as a 'rethink of special education' selecting as its major points, the failure of ascertainment, the failure of LEAs to construct enough schools for those children that had been ascertained, and the proposal for LMDAs to have responsibility for the financial arrangements for the education or training of children referred to them. Percy had addressed the CAMW in the same week and suggested that the Report should be considered as a '*new contribution*' to solving the problems of mentally defective children' rather

than as an exciting new development. He warned LEAs through his address not to make the mistake of thinking that anything diminished the urgency of their current duties and that there was no reason to think that no more special schools would be built.

The Board of Education were now faced with the difficult decision of how to respond to the report. Enforcing the existing law was not considered practical. This was because current requirements had altered through the Committee's interpretation of what was required and because of existing financial constraints which would still apply. Changing the existing legislation to match the existing position would be unpopular with CAMW and the teachers' organisations and, in any case, would not be allowed by the Cabinet. Establishing a system according to Wood's suggestions while making use of existing legislation was out of the question because of cost. Implementation of Wood's suggestions for further research, while practical, would be seen as an attempt to avoid taking action.

In July 1929, figures for the previous year concerning 'mentally defective' children were released. This enabled costs to be calculated for both current provision and the Wood Committee recommendations, bringing the Board's task into sharper focus. [Board of Education, Annual Report, 1929] The unit costs per annum for the 17,035 children in schools for the 'mentally defective' were £25 for day schools and £71 for residential establishments. These figures compared favourably with those for the blind (£29 and £88) and the deaf (£43 and £82). The cost of educating a child in an Elementary School was currently

£11-14-4 (£11.72), with a total annual expenditure of £66,082,623. The current overall cost of schools for the 'mentally defective' was £540,000. The cost to LEAs of either enforcing the 1921 legislation or implementing Wood's recommendations would have been £4,005,000, not accounting for the capital costs. Immediate implementation was not an option open to the Board as the Treasury would intervene, and on 10 July 1929, the Board were instructed by the Cabinet Office not to take action as only the Cabinet could make that decision. This effectively prevented any response from the Board. [PRO ED 24/1365, 1929]

Despite the investigation by the Mental Deficiency Committee and the attractiveness of their proposals, the political and economic situation meant that it was impossible for the Board to take any action immediately. Meanwhile, the Education Authorities were becoming worried about the situation. A letter of 1 August 1929 was received by the Board from the County Councils' Association [PRO ED 24/1363, 1929] stating that they felt 'unable to accept any comprehensive obligation for the education of the 'retarded' group of the 'mentally defective' in special schools or classes'.

Pressure for action started again immediately with the CAMW the first to submit their proposals to the Board. [PRO ED 50/124, 1929] They demanded the reinstatement of a eugenic approach with segregation of the 'mentally defective' in suitable accommodation and a Royal Commission to look into causes and preventative measures including segregation and sterilisation.

These demands ignored Wood's recommendations, reverting to the eugenic view held widely in the early years of the century.

The National Union of Teachers submitted their proposals in November. They demanded special schools for all the 'mentally defective', provision in ordinary schools for the 'retarded', the abolition of the term 'mentally defective', and the retention of certification. [op cit] In January 1930 both the NUT and the COS submitted resolutions identical to the CAMW's for a Royal Commission which had also been demanded in letters to the *'Times'* and the *'Times Educational Supplement'*. The suggestion was seriously considered by the Board who could have used the existence of such a body to further delay any decision on the Wood recommendations, but it was eventually rejected on the grounds of cost. [op cit]

The NUT continued to press for action securing a meeting with the Board on 31 October 1930. The Board again confirmed that no decision on action had been taken. The NUT expressed their disappointment as they had hoped for clear recommendations. They felt that the present legislation should continue with LEAs building more special schools with direct government funding. Crowley, for the Board, expressed regret that only 16% of the mentally defective needing special education were actually receiving it. In his notes he recorded that the meeting, 'had gone rather well and the Board got off lightly'. [op cit, 1930]

In 1930 a 'pre-office' committee was formed to discuss the matter within the Board. This group concluded that as long as legislative effect was not given to the Report's proposals it was impossible for any extensive advance to be made. Legislation was now regarded as impossible in the face of the changes to the school leaving age, and it was still considered inappropriate to insist that LEAs met their existing statutory obligations and unrealistic to pretend that the Board were in a position to give clear guidance to LEAs. [PRO ED24/1365, 1931]

Demands for action continued to plague the Board and a further informal office committee was established in 1931 to discuss what should happen next. This group concluded that the existing legislation could not be enforced except in large towns. Because of the costs involved, they proposed that the educable mentally defective should remain in Elementary Schools. It was not thought appropriate to either close special schools or extend the existing system. The discrepancy in leaving ages between special and mainstream schools was seen as a barrier to bringing the special schools into the rest of the system. This committee was aware that a practical solution to the problem was required, but the only realistic answer appeared to be legislation which the Government and Treasury were still not prepared to allow. The only other practical alternative was a further Circular urging LEAs to make provision at a cost less than Wood's proposals. It was estimated at this time that implementation of the proposals would cost £1.5 million for the 'mentally defective' plus a further £900,000 for the 'dull and backward'. [PRO ED24/1365, 1931]



A circular was drafted later that year. It described the continuing situation, where most of the 'mentally defective' would remain in Elementary Schools along with the 'dull and backward' pointing out that Wood's recommendations could not be put into immediate use and that the law could not be enforced. This encouraged LEAs to continue to evade their statutory responsibilities. Some practical advice was offered with LEAs being urged to experiment with such things as, smaller classes, grouping and streaming in urban areas, peripatetic teachers in rural areas where there was no provision, and attendance at CAMW courses for individual teachers. [ED50/124, 1931]

After 5 years of inaction the NUT secured another meeting with the Board on 21 November 1934. [op cit, 1934] The Union told the Board that they were perturbed at how little had been done. They insisted that there remained an urgent need for more special schools as union members in Elementary Schools were becoming more and more reluctant to deal with 'mentally defective' children. They submitted a document outlining proposals for the implementation of the Report, which demanded the following;

- the provision of special schools under the 1921 Education Act;
- continued and enforced certification;
- greater provision to segregate low-grade defectives;
- minimisation of retardation by generous provision in nursery schools, more open air schools and smaller classes generally;
- abolition of terminology;
- residential schools for rural areas;
- day special schools on the same lines as open-air schools;

- separate schools for the severely mentally defective;
- teacher training courses;
- no lowering of the school leaving age for the mentally defective;
- improved aftercare.

The Board were able to argue that LEAs were already being urged to do all that was possible while many of the demands were too expensive in the current climate. They were, however, able to confirm that there were no plans to abolish certification, that appropriate terminology was being considered, and that there was no intention of changing the leaving age.

Continued pressure from CAMW led to the establishment of a further internal Committee in 1936. [PRO ED50/1260, 1936] This group was a little more official than its predecessors, and was known as the Office Committee on Mentally Defective Children. Its existence was not known outside the Board of Education and no outsiders were involved. It included N. D Bosworth-Smith (who had been secretary to the Mental Deficiency Committee), and R H Crowley (who had been on the Committee). Its objective was to consider the Wood Report recommendations, in relation to the raising of the school leaving age to 15. It produced the following suggestions;

- there should be no certification;
- special education should become 'differentiated' within the public elementary school system, which would be the most appropriate place for the 'less retarded' together with some of the 'more retarded';

- there should be no abolition of special schools;
- there should be agreement on the recommendation of the report that a statutory duty existed for all LEAs to provide suitable education, because if this was not agreed and reinforced many areas would fail to provide places;
- that the Board of Education should keep out of arguments with Local Mental Deficiency Authorities and the Board of Control over the responsibility for 'mental defectives'.

This Committee concluded that as long as new legislation was out of the question then there was no hope of improving provision. It was further suggested that a Circular should be issued urging the enforcement of existing legislation while pointing out the difficulty in implementing Wood's recommendations until the question of the school leaving age had been decided. No progress was made as a result of this Committee's investigations as war intervened for a second time. The CAMW remained the main agitators, demanding in 1937 for instance that the 'dull' should be educated with the 'feeble-minded' in special schools, accusing the Board of having 'no great zeal' to provide places when they could have been supplied at a reasonable cost. [PRO ED50/266, 1938].

One positive consequence of the Wood Report had been a further increase in interest in the 'dull and backward' and their needs. Burt had written extensively on the subject and a number of writers had carried out investigations into the nature of the category and a number of new ideas and

theories were put forward. [Burt, 1937] London County Council had set up a Committee in May 1935 to investigate and report on whether changes should be made in the organisation of the Elementary Schools in order to deal more effectively with 'backward' pupils. [London County Council, 1937 pgs 4-7] Using surveys, mostly by Burt, they concluded that 10% of primary pupils and 14% of secondary pupils were 'backward'.

In an attempt to meet their needs, the LCC had reduced class sizes from 53 to 40 for under 5's, from 53 to 46 for infants and juniors, and to 40 for seniors. There were also more progressive junior schools employing freer methods and individualised work. The LCC felt that, after the age of 8, the backward child needed educating in a smaller class where the aim of the teacher ceased to be to bring each child to a normal level of attainment but to their potential level instead. The Committee made a range of suggestions for dealing with the estimated 35,000 'dull' children that were within the County Council boundaries, which included separate backward schools, classes in selected ordinary schools and classes in schools already attended by enough children to make up a class. It was realised that this was not a full solution, but it nevertheless enabled backwardness to be tackled where it was most acute with valuable experience being gained for the future.

The LEA in Leicester also made constructive attempts to meet the needs of the dull and backward, providing small special classes in ordinary schools in some districts, with an open-ended curriculum adapted for practical ends. The aim was to help pupils to become reliable and self-supporting citizens. The

classes were not totally segregated and pupils joined with other mainstream classes for physical training and singing, leaving with everyone else at 14. Children were selected largely on the basis of intelligence levels between 50 and 75 on the Cattell Scale following an examination by the psychological service at the request of head teachers. [Leicester Borough Council, 1938]

The Board of Education made a contribution to the 'dull and backward' debate in 1938 with the publication of a pamphlet 'The Education of the Backward Child'. The term was defined as those who failed to adapt themselves to the pace at which the majority of their fellows of the same age were moving. 'Backwardness' was described as a natural phenomenon because it was inconceivable that any group of people would advance at the same rate. The Board's definition included an IQ figure of between 70 and 85, which was thought to involve 15% of the school population. The stated aim of education for 'dull' children was to enable them to lead a life of useful service to others and happiness in themselves. [Board of Education, 1938]

The war of 1939-1945 provided a breathing space for both the Board and the LEAs in policy development, and resulted in the end of the elaborate planning and manoeuvring that central government had been forced to undertake to first, avoid making LEAs meet their statutory obligations, and second, to avoid proposing future policy in response to the Wood Report.

Although the war had prevented any further development of segregated provision, planning for a major reorganisation of education in general started

as early as 1940 with a Green Paper known as 'Education After the War'. [Gosden, 1976, pgs 177-9] This was followed by a White Paper, 'Educational Reconstruction'. [Board of Education, 1943] Special education seemed to be given a low priority, with discussion of the subject being dealt with under the heading of the 'Health and the Physical Well-Being of the Child', reinforcing once more the idea that difficulty in learning was still basically a medical problem. An accompanying memorandum, however, stated that the proposed legislation would 'open the way to fuller and better provision for children handicapped by physical or mental disabilities'. [Ministry of Education, 1944] This was followed by legislation passed in August 1944, which replaced the Board of Education with a Ministry, and provided LEAs with a duty to set out proposals for all aspects of education in detailed development plans.

The sections of this wartime legislation relating to the special needs of children with learning difficulties laid the foundation for a new period in special needs policy development. The new Act finally took account of the Wood Committee's recommendations by placing greater stress on what happened in mainstream schools, giving the new Minister of Education the duty to define categories of pupils who required 'special educational treatment' and the type of 'treatment' required by each group. 'Special educational treatment' was defined as 'education in special schools or otherwise by special methods appropriate for persons suffering from any disability of mind or body'. [Wells and Taylor, 1961, pg 558] The Act also allowed the Minister to set out the regulations by which special schools could be officially 'recognised' by the new Ministry.

An important element in this legislation was the introduction of 'integration' into the legal framework for special needs for the first time. It was stated that arrangements made by LEAs for 'special educational treatment' should, as far as practicable, provide for pupils with serious disabilities in special schools, *but* where the disability was not 'serious' or where it was not 'practicable', arrangements could be made for education to be carried out in ordinary schools. [Education Act, 1944]

The Act also brought about an end to the widespread use of certification. The process remained available to LEAs as a 'last resort' to secure a child's attendance at a special school, but its importance as an outcome of the ascertainment process was at an end. LEAs retained the duty to ascertain which children in their areas required 'special educational treatment', and were also empowered to require the parents of any child over the age of two to submit them for an examination by a medical officer to decide if they were suffering from any disability of mind or body and the extent of this disability.

Parents were given the right to request an examination and to be present at it. LEAs were obliged to comply with such a request unless it was thought to be unreasonable. On completion of an examination, the LEA would consider the report of the Medical Officer together with any additional information obtained from other sources, including the child's teacher, and decide if 'special educational treatment' was appropriate. There would then be a duty on LEAs to provide it. [Education Act, 1944] Medical Officers retained the status of Certifying Officers who would make the final recommendation on

special school placement to the LEA, although it was accepted that others including parents and educational psychologists should also contribute to the process. LEAs without Psychological Services were urged to establish them. [Ministry of Education, 1946]

The combination of a new Ministry, post-war optimism, and the requirement for LEAs to submit long-term plans for all aspects of their service meant that adequate segregated provision was a reasonable long-term objective for authorities which had previously considered special needs legislation as largely unworkable outside large towns and cities. Even if plans for special education were given low priority, their inclusion in development plans meant there was a chance that they would be considered and implemented eventually.

The intention of the Act in relation to children with learning difficulties was to extend ascertainment beyond the groups identified under preceding legislation to 'categories to be defined by the Minister.' [Ministry of Education, 1944] A list of eleven categories was circulated to LEAs in 1945, introducing the term 'educationally sub-normal' or ESN, to label the wide range of below average ability pupils in both special and mainstream schools. This corresponded with Wood's 'remedial' group. ESN, however, introduced a concept that was to create problems because it embraced two existing groups that could only be equated with difficulty, those with 'mild' difficulties (the 'dull and backward'), who would always remain in mainstream schools and those with 'moderate' difficulties who were suitable for special education in



mainstream schools or segregated special schools (the previously 'feeble-minded' or 'mentally defective'). [Ministry of Education, 1951]

The new ESN category also included those who were 'backward' because of 'other conditions' besides limited ability, such as irregular attendance, late entry to school, late hours, ill health, lack of continuity in education, boredom, large classes or other unsatisfactory school conditions. [Ministry of Education, 1946] It was therefore recognised officially for the first time that the school could be a significant factor in contributing to a child's difficulties.

Detailed guidance on the eleven categories of handicap was made available to LEAs in the Ministry Pamphlet 'Special Educational Treatment'. [1946] Children regarded as ESN were those retarded by more than 20% of their age *for any reason*, but not of such a low grade as to need to be excluded altogether, an option that remained unchanged. Pupils could also be defined as ESN if their presence was thought to be 'detrimental to the education of others'. Application of IQ scores to the category meant that all those with quotients below 80 would be regarded as ESN, which included most of the 'dull and backward'. A suggested dividing line between those needing segregated education and those remaining in mainstream schools was an IQ of between 70 and 75 depending upon age, but only where the difficulties were caused by low intelligence. LEAs now appeared to have the statutory task of providing 'special educational provision' for a group of children who Wood had suggested could number between 300,000 and 500,000. The

Ministry, felt that 2% of the school population would need segregated provision.

The first task facing a number of LEAs was to reinstate provision that had been lost during the war. Before hostilities commenced, there had been 155 Mentally Defective Schools. The number of places in all special schools had dropped from 50,000 to below 40,000 because of wartime destruction, damage or changes of use. In London, for instance, 1150 schools (96%) had been damaged, with 290 seriously affected or totally destroyed. Many of those only slightly damaged had ceased to operate as schools either because of neglect or because of requisition by the civil or military services. To complicate the situation further, there was an immediate post-war increase in the number of children with learning difficulties resulting from a disrupted education, changes of schools, evacuation or the trauma of war. Added to this was a large increase in the birth rate immediately after the war.

With some buildings damaged or destroyed, others not available for their intended use and a Ministry unable to sanction the building of new special schools because of shortages of materials, it remained important for LEAs to find a reasonably inexpensive way to provide more special school places. A short term solution to this problem was available, however. Some special schools had been evacuated in their entirety during the war to rural areas where they had successfully taken over large country houses. The availability of a number of suitable premises after the war provided an ideal opportunity to establish segregated provision reasonably quickly and cheaply. The LCC,

for instance, bought three 'country houses' and a hutted camp. [London County Council, 1951] By 1951 they had six residential schools, some of which were situated outside London as far away as Broadstairs on the Kent coast. [Brown, 1954]

Most LEAs, however, were limited in supplying special school places by lack of finance and building restrictions, but gradual progress was made in this period, with most authorities following their development programmes, establishing provision at a leisurely pace.

In 1947 there had been 135 schools for the ESN category. By 1950 there were 166 schools with places for 15,130 children. This was still slightly less than the prewar provision, however. A new phenomenon that developed during the period was the 'waiting list' of children ascertained as ESN but for whom no provision was available, which stood at about 12,500.

LEAs continued to establish psychological services and by 1950 there were 155. A well developed service could undertake many roles, primarily helping those dealing directly with children but also contributing to policy and plans for the 'backward' and selection techniques for special school places. All but 12 LEAs had Services, employing a total of 343 psychologists. Only four had no provision at all as eight had made arrangements with neighbouring authorities. [Ministry of Education, 1956b]

The years between 1950 and 1954 were characterised by a rapid expansion of the segregated system as more money became available, restrictions were relaxed and LEAs were able to implement more of their building programmes. The gradual improvement in the number of available places was more uniform across the country as a whole than at any other time.

The two authorities in Northamptonshire continued to act independently following the 1944 Education Act. The Borough's school at Wellington Place had now been in existence for forty years and was well established as part of the system in the town. The school had increased in size to over 100 pupils before the War and this was maintained in the post war years. Because of the pioneering work during the inter-war years, there was no difficulty in providing appropriate education for the ESN category. The problem in the rest of the County was somewhat different. The County Council had no independent provision, although some cases had been sent out of County to neighbouring authorities when parental agreement and cooperation had been achieved. The Urban District Council in Kettering had opened the open-air establishment, Kingsley School, in 1931, and some mentally defective children had been accommodated within it. This now became the main placement for the more severe cases in the north of the county.

The authorities were required to submit development plans under the 1944 Act by 1 April 1946. Northampton County Council began to seriously consider what should be included in December 1945. The Senior Medical Officer pointed out the increasing difficulty of finding special residential

places for children who could not be taught in ordinary school and, through the Medical Inspection and Treatment Sub-Committee, recommended that consideration for this should be included. He suggested that a residential school of up to 60 places would be required and that classes should be set up in ordinary schools. He also revealed that it was not possible to say how many children in the County could be classified as ESN, but that he intended to find out. Following his investigation with head teachers, he estimated that the incidence of ESN was 6% including those who could be taught in mainstream schools as well as those needing education in segregated provision. [Northamptonshire County Council, Minutes of the Medical Treatment Sub-Committee, 31.12.45]

The Education Committee debated Circular 79 of 1 January 1946 which suggested that LEAs should explore the possibility of constructing Boarding accommodation. Discussion of this took place too late to be included in the development plan but a decision was made, in May 1946, to look for a suitable house in which to establish a residential ESN school for 60 pupils. [op cit, 25.02.46]

The search for premises began in March 1947 but it was not until December of that year that the first building, Apethorpe Hall, was inspected but then rejected. [op cit, 15.12.47] Thrigby Grange was visited next, in March 1948, but was rejected because of lack of suitable accommodation for the head teacher. [op cit, 08.03.48] Rushton Hall was also considered but also rejected. [op cit, 28.06.48] During this time medical examinations for the purposes of

ascertainment were still continuing with children classified as needing special school places when none were available. Concern was expressed at a Committee meeting in December 1948 that there were now over 70 children classified and awaiting places in the Wellingborough area alone. [op cit, 13.12.48] The situation was somewhat better in Kettering as ESN places continued to be made available at the Kingsley school.

Blakely Hall and Spratton Hall were both examined in February 1949 but rejected. [op cit, 21.02.49] Costs and plans for a 'hatted camp' were prepared as a contingency. [op cit, 27.06.49] In October 1949 the Education Committee finally settled on Foxhill, West Haddon, which had suitable accommodation for 15 boys, 16 girls and 5 staff at a cost of £10,000 with a further £2,000 required for furniture and fittings. Accommodation for a further 15 pupils could also be provided at a cost of £5,000. An HMI inspected the premises and agreed to recommend that the Ministry should approve the purchase. [op cit, 03.10.49]

In February the following year, however, the proposal was rejected by the County Council because of the isolated location of the house, which was in the rural south of the County, twelve miles from Northampton. At the time there were 130 children ascertained as ESN requiring special schools who were unplaced. [op cit, 20.02.50] The request for approval from the Ministry was withdrawn, prompting a written response to the Committee expressing regret at the decision and reminding the LEA of their duty to provide special educational treatment. The Ministry felt that the site did not seem any more

isolated than others that had been approved and asked them to reconsider their decision. Following discussion the Committee decided to uphold the decision but continue to look for an appropriate site. [op cit, 27.03.50]

The pressure for places continued, however. Kingsley Open Air School now consisted of 5 classes 2 of which were for ESN pupils. A proposal was made in September 1950, for the number of physically handicapped classes to be reduced to 2 to allow 3 ESN classes. The change was resisted but the increasing need for ESN places was clearly apparent. [op cit, 11.09.50] In the same month the County Council started to look at the possibility of turning Loddington Hall into a residential school. This had been a small Elizabethan manor that had been turned into a large country house by a wealthy Victorian farmer. It offered suitable accommodation for 60 pupils and 5 full-time staff without structural alterations. [27.09.50] Plans for the school were submitted in October 1951 [op cit, 29.10.51] and approval was provided the following year, but it was not until September 1955 that the school actually opened.

Throughout this period the ascertainment of the ESN was dealt with by the Senior Medical Officer. Psychologists were employed in the County, but they dealt mostly with 'maladjusted' children, occasionally contributing to an ESN case. They had first been employed on a casual basis in 1945 when permanent appointments had been considered for the first time. They were currently employed by the Child Guidance Service based in Kettering but financed jointly by the County and Borough Councils. The dominance of the medical

profession in the ascertainment process continued in Northamptonshire into the 1970s, although the Education Sub-Committee always made the final decisions.

A Ministry Pamphlet, [1956b] 'Education of Handicapped Pupils 1945-55', reviewed the progress made in meeting special needs in the decade following the 1944 Act. The definition of the eleven categories, it was said, had led to an increased awareness on the part of teachers and LEAs of the range of disabilities. This had provided a structure by which children could be categorised as unsuitable for mainstream education in a variety of ways leading to an increased demand for segregation as indicated by the perpetual waiting list. The emphasis on increased segregated places had reinstated the pre-war attitude to special education to an extent, but the Ministry insisted that the 'new approach to the problems of the education of the handicapped had led to an increased realisation that much could and should be done in the way of providing special educational treatment in ordinary schools'. The logical way forward, therefore, was seen to be the establishment of services and procedures to enable mainstream schools to provide for an increased ability range. [op cit, paras 5, 12] This was the first indication that the Ministry were operating two opposing policies, promoting the idea of special education in mainstream schools while encouraging the development of segregated provision.



Evidence of the official view came from the Annual Reports of the Chief Medical Officer, where the concept of integration was continuously reinforced. The Report for 1952-53, for instance, included the following;

*'For the handicapped child the normal field of opportunity should be open to the fullest extent, compatible with the nature and extent of his disability. The fact that he has a handicap does not necessarily involve his withdrawal from a normal environment, but if he has to be withdrawn at all, the withdrawal should not be greater or further than his conditions demand. Handicapped children have a deep longing to achieve as much independence as possible within normal communities instead of being surrounded by an atmosphere of disability, but then handicap carries with it, especially for the older child, a danger of psychological and emotional damage resulting from a sense of deprivation and frustration. This can often be contained by placing them in a normal environment, as much as conditions will allow.'* [Ministry of Education, 1956a]

Despite this view, segregated provision was being developed at an increasing rate. By the end of 1955 10,986 extra places had been provided for ESN pupils, 5,593 boarding and 5,393 day places. Between 1946 and 1955 the total for all categories of handicap had increased by 20,000, but this was only a net increase on prewar provision of 7,000. [Ministry of Education, 1956a, para 8] The Ministry had originally suggested that those LEAs who were not providing segregated places should emulate London County Council and establish residential provision in comparatively inexpensive country homes.

The Ministry were later to claim that development during this period was due to 'the general consciousness of a need for boarding schools', revealing how successful they had been in diverting attention away from the more urgent need for day special school places which had been apparent before the war, to one where LEAs could respond positively and quickly at a relatively low cost, without the need to comply with complicated building regulations. The pamphlet revealed that 182 of the ESN schools opened after the war had been boarding establishments, but by this time the 'Country House Period' of expansion was virtually at an end. The idea had served its purpose and it was now thought to be time to concentrate on meeting the requirements of the larger number of ESN children without adequate provision. Country houses were now considered to be more suitable for other types of handicap and in any case the supply was thought to be practically exhausted. Building programmes had been reflecting the change since 1953. [op cit, para 11]

The ESN categorisation was beginning to create problems however. Despite continuing increases in provision, from 15,843 places in 1949 to 22,895 in 1954, the waiting list for those already ascertained remained constant at about 12,500. This was thought to be due to the reluctance of Medical Officers to place children on a list unless there was a reasonable chance of placement within a reasonable period. When one child on the list was admitted to a special school, it was thought appropriate to add a further name. Events in Northamptonshire suggested another reason, however. Although the number of special school places in the County (excluding the Borough) was insufficient, the LEA was keen to fulfil what statutory duties they could, so

they carried out a thorough ascertainment programme which identified a significant number of ESN pupils who required education in special schools. Some were found places in boarding establishments in neighbouring authorities but mostly they remained in their mainstream schools on the waiting list with little chance of being found a place.

The segregated system continued to be developed rapidly by LEAs between 1955 and 1961, with 34,500 segregated ESN places provided in 359 schools. The waiting list had risen above 13,000 in 1957 but had subsequently dropped back to below 12,000. Statutory Instrument 365 [Ministry of Education, 1959a] provided a further definition of the ESN as 'those pupils who by reason of limited ability or other conditions resulting in educational retardation require some specialised form of education, wholly or partly in substitution for the education normally given in ordinary schools.' This helped to narrow the term so that it just referred to the most serious 2%. Circular 352 [Ministry of Education, 1959b], dealt with special educational provision within mainstream schools suggesting a range of strategies for coping with children not thought suitable for segregated placement. These included, reduced class sizes, a wider age range in a class, the education of dual or multiple categories or different categories of handicap together, reductions in class sizes where there were children with severe difficulties or if 'experimental' or 'unusual' work was being carried out.

A Circular 'Special Educational Treatment for Educationally Sub-Normal Pupils' (11/61), [Ministry of Education, 1961] provided both a snapshot of the

system as it had become as a result of post-war initiatives, and an insight into the desired direction for future development. The definition of ESN in this Circular included those who were 'temporarily retarded' as well as those who were 'innately dull' and included pupils of limited ability who could receive some or all of their education in ordinary schools as well as those who attended special schools. [op cit, para 1] This could be seen as an attempt to broaden the narrowing concept of ESN, reinforcing once more, the idea that although a separate system was being established, the key to meeting special needs remained what happened in the ordinary school.

The Circular showed that more LEAs were meeting their legal obligations in ascertaining which children needed special education in special schools and in attempting to provide sufficient places. It was pointed out that it was not necessary for formal procedures to take place if parents were agreeable to placements, although in practice the arrangements were used to ensure that transfers were not made too quickly. [op cit, para 2] The importance of a psychological service was stressed and schools were urged to seek advice from them. [op cit, para 3] This indicated that the influence of the medical profession in the ascertainment process for ESN was ending.

The Circular stressed that the majority of pupils with special needs should receive suitable education in mainstream schools and that they would benefit by remaining with children of their own age. The first attempt to deal with children who were thought to be ESN should, therefore, always be carried out in their local schools, most of which contained a few children that were

markedly backward and who would already require individual help. It was suggested that these children could be taught in small classes or with younger children. [op cit, para 4]

Although it was clear that the Ministry wanted more done in mainstream schools, it was accepted that very little practical help could be provided because of teacher shortages, although the Ministry felt that schools that did make an effort should be encouraged by their LEAs, who should be more sympathetic to their staffing needs. [op cit, para 5]

The Circular accepted that the provision of integrated special education meant that adequate screening was required along with an organisational commitment from the head teacher who needed to value such provision and not just see it as away of getting extra staff. The Ministry also accepted that the establishment of adequate and appropriate special education in ordinary schools was still a long way off and suggested a number of initial steps that could be taken, which included the siting of new special schools close to existing mainstream schools with links established between them, the establishment of peripatetic teaching services to advise and assist schools in meeting special needs, remedial centres or classes to help those who were 'temporarily' retarded so that they could quickly achieve a standard that would enable them to return to their ordinary school, and the development of diagnostic units or centres especially for very young children. [op cit, para 7]

Residential ESN provision, the Circular reiterated, was no longer seen as the most appropriate form of placement. In future ESN children should only be sent to boarding schools if there were very good reasons. 'Backwardness' on its own was not seen as a sufficient reason. Not only was this type of provision becoming more costly, it was also thought to cause problems for children later in life in adjusting to home and work. Residential Schools for the ESN had, by this time, developed into caring communities, where children were organised for long periods, fed regularly, clothed well and provided with a range of experiences to which they would otherwise not have access. Although they were exposed to high status values and benevolent discipline, it was not the experience that many of them would find when they returned permanently to their homes. The original purpose, providing places for children from rural areas, had long ceased to be a problem with improvements in travel and communication which made it straightforward to transport children to day special schools on a daily basis. Most children in residential schools were there because of inadequate homes or for social reasons which included their own protection. [op cit, para 14]

The 1961 Circular described an apparently increasing tendency for LEAs to place ineducable children in special schools. It was stressed that it was the 'most backward' in ordinary schools who had the first claim on special school places. The gradual increase in available segregated places was expected to continue, with the intention that in future, placement could be made at an earlier age, providing children with a better chance of returning to their mainstream schools. LEAs were asked to urge parents to accept special school

placements as early as possible even though it was understood that most children who went to ESN schools were likely to remain there until they reached school leaving age. A survey by the Ministry in 1956 had indicated that a further 29,000 places would be needed to achieve the overall target of 54,000 by 1965. Building plans had already been approved which would bring accommodation up to 44,500 and it was the intention of the Minister to approve schemes up to the required level as quickly as possible. [op cit, para 19]

The Circular stressed the continuing commitment to the development of segregated provision re-stating that no child who was handicapped should be sent to a special school who could satisfactorily be educated in an ordinary school. From 1961 onwards the development of segregated provision progressed at a slightly slower pace with about 2,000 extra places being provided each year. The waiting list was stable at about 10,000.

The section of the ESN category previously known as the 'dull and backward' began to be referred to generally as 'remedial' or 'slow learners' during the 1960s and 1970s. Many were taught by part-time 'remedial' teachers in small groups for a proportion of their time in primary schools or they were streamed and placed in low ability groups in secondary schools. Many schools had by this time appointed part-time teachers for small group withdrawal work, and in the mid 1960s a number of LEAs established remedial centres, which children attended on a part-time basis. Peripatetic remedial services, or remedial units under psychological services had also been established.

Doubts were raised about the suitability of IQ testing as the basic strategy for ascertainment, as it became increasingly obvious that the same IQ in pupils of the same chronological age masked a wide range of individual differences. It was becoming apparent that what was important was not the IQ figure itself but the interpretation of the performance on the test by the psychologist. [Segal, 1974]

The Department of Education and Science, (DES), which had replaced the Ministry, reviewed 98 'special classes' and units [DES, 1964] and found that 50% of children in them were thought by their teachers to be educationally sub-normal in the narrowed sense of the word, requiring education in special schools. This study concluded that as long as certain conditions could be fulfilled, special classes in mainstream schools could provide a suitable form of special education for some children. The conditions were that the handicapped child had to feel at one with the rest of the pupils, that he had to take part to his own satisfaction in at least some of their activities, that he had to feel an accepted and respected member of the school community; and that his educational progress and well-being were reviewed regularly.

Reinforcement for a change of emphasis on integration came in a major shake-up in Primary Education which took place following the publication of the Plowden Report. A chapter in this document was devoted to the 'Handicapped Child In Ordinary Schools'. [DES, 1967, pgs 834-860] The Plowden Committee felt very strongly that the most appropriate place for all primary age pupils with difficulties was the ordinary school, because their



fundamental needs were the same as ordinary children although there may have been differences in the way they were satisfied.

By 1971, development of segregated provision for ESN pupils was almost complete. The number of places stood at 68,126 following an increase of 15,000 places as a result of increased funds being available to build special schools in the final years of the 1960s.

One way for LEAs to provide some consistent special education for those with learning difficulties in mainstream schools was to set up Remedial Teaching Services. These were usually groups of highly motivated, but not necessarily specially trained teachers, who would visit a small number of schools on a regular basis, assessing children who were causing concern and teaching small groups. They usually worked in rural and small urban schools that did not otherwise warrant a specific 'remedial' post.

A review of 11 such services, carried out by Wilf Brennan for the Schools Council, [1978, pg 155] concluded that they had become an essential feature in the success of individual pupils and the generally high standards found in the areas investigated. Although most services provided advice and support on a wide range of problems, their work was concentrated on the teaching of reading.

Their objectives included the following,

- to assemble and disseminate information and techniques, material and equipment concerning the education of slow learners,
- give general support and advice to teachers both directly and through in-service training,
- keep the LEA informed of standards being achieved in schools and of the steps necessary to maintain or improve them,
- assist teachers in identifying pupils with general or specific learning difficulties,
- stimulate the development of programmes to meet identified needs,
- identify children who might need special school placement,
- cooperate with the psychological service and the LEA Inspectorate,
- assist ordinary schools in meeting the needs of a broad mass of pupils who were failing, but not to such an extent that they required special school places.

Brennan also pointed out their limitations which included, a restriction to reading and the primary age range, failure to make use of mainstream teachers observations and knowledge in assessment, over-reliance on diagnostic testing; insufficient follow-up work to determine long-term effects of the teaching on offer, and unrealistic workloads. Brennan felt, however, that there were enough positive aspects for LEAs to develop such services as a front-line strategy for dealing with special needs in ordinary schools.

The assessment of difficulties in schools was usually achieved by the application of one of the many simple reading tests that were available after the war, such as those published by Neale [1966] and Daniels and Diack. [1958] They were all *standardised*; in that they had been subject to trials with a large number of children and were believed by their authors to give an accurate 'score' usually in the form of a 'reading age'. This allowed schools and remedial services to take some control of the ascertainment process in the early stages.

The situation in Northamptonshire at the end of this period was one of a certain amount of stability. Once Loddington Hall School was opened, the pressure for ESN places had eased somewhat. The need to make costly out of county placements had ceased and plans could now be considered for other areas. Two further special schools for the ESN were opened in 1965, Firdale in Corby and Brookfield in Wellingborough. In the same year a new purpose built school, Northgate, was opened in Northampton replacing the sixty year old Wellington Place School.

Support for mainstream schools in rural areas began in 1970 with the establishment of a Remedial Teaching Service which consisted of nine teachers. This was increased to 12 following a critical HMI report. The service teachers were also paid a travelling allowance from this point and were given £50 each for books and other equipment and a container to put them in. It was also proposed to appoint an advisory teacher for special needs for the first time. [Northamptonshire County Council Education Committee Minutes,

13.09.71, 06.12.71] A psychological service was established in 1970, closely linked to the existing Child Guidance Service and financed by both authorities. The final decision on ascertainment was still made by the Medical Officer, however. [op cit, 17.01.72]

The fortunes of Loddington Hall, however, began to change in the mid 1970s. This type of institution had been described as anachronistic in the 1961 Circular when it had only been open for six years. By the early 1970s the school had changed to a weekly boarding school for ESN boys only with reduced numbers attending.

### *Summary*

The inclusion of the dull and backward with the mentally defective and feeble-minded to form the group labelled 'remedial' by the Mental Deficiency Committee represented a significant change in the development of education for children with learning difficulties. Although Wood's report itself had no immediate impact on the organisation of this form of special education it laid the foundation for the next stage of development which was to last for over forty years. By aligning the previous categories into a broader continuum under the broader 'remedial' heading, the association with the vocabulary of defectiveness, imbeciles and idiots was diminished. This was aided to an extent by the application of IQ scores. This realignment of attitude took some time to develop, of course, and there were still dissenting voices [PRO ED50/124, 1930] but the old associations had been broken.

The 1944 Education Act, which gradually incorporated many of the Wood Committee suggestions into the developing system together with the end of the war, allowed the gradual development of segregated placements along lines which coincided with the 1914 legislation. Development proceeded under the term 'educationally sub-normal' which originally matched, more or less, Wood's 'remedial' label. The initial impetus was to provide segregated places mostly in residential settings before attention was turned towards what was happening in mainstream schools, although integrated provision remained official policy. Nevertheless, sufficient special school places had been provided by the end of the period.

The relationship between the Board and the LEAs had continued in the same vein following the publication of the Wood Report, with those LEAs with schools for the 'mentally defective' maintaining them or even developing them in accordance with the Wood suggestions, while areas without them continued to ignore their statutory obligations without fear of intervention from the Board, with the result that there was little overall improvement in the number of segregated places prior to the war. Following war-time legislation, the situation began to change slowly. The new Ministry seemed to be taking a greater interest in what was happening than the Board had done and LEAs were required to account for their actions in meeting their new obligations. Because of their many other responsibilities, the developments required at this time and the amount of time it took to establish special provision, the progress, at least to start with, was slow. The Ministry, having set out their policy for special needs education did not then attempt to force

the LEAs to develop all areas at the same time and despite the official policy of integration, encouraged them in the first place to supply residential places for ESN pupils, re-establishing the emphasis on segregation.

This policy was successful in improving the amount of available provision and the effective ascertainment procedures that had been established at the same time meant that those requiring segregated places in day special schools were also identified so that it was reasonably straightforward to address this need once residential provision had been provided. The LEAs were therefore successful at putting their policies into practice and the relationship between the Ministry and the Authorities became more cooperative with central government urging one or other element in the overall policy at different times while the LEAs did what they could, when they could.

The broad application of the ESN category complicated the situation, however, as it involved two distinct groups, those who could be accommodated in mainstream schools under arrangements made by the schools and those that required a more concentrated form of special education, either in the ordinary school, or more likely in a special school. The smaller proportion of this broad group (2% of the school population as opposed to the 8% represented by the former dull and backward) were those who needed segregated provision and so the label 'ESN' gradually narrowed to refer to this smaller group, reinforced by the label given to the schools they attended.

The need to provide special education in mainstream schools took longer to become established as a result. This area was addressed by LEAs once the number of segregated places had reached a reasonable level. Circulars in 1959 and 1961 encouraged LEAs to make more arrangements for those in ordinary schools and laid down the principle that the local school was where the first attempt should be made to deal with pupils who were thought to be ESN. This was followed by the gradual introduction of more part-time posts to help 'slow learners' and other LEA initiatives which including the introduction of peripatetic services. Psychological Services also began to take on an advisory role in mainstream schools.

The position in Northamptonshire, with its two authorities, reflected the situation in the country as a whole. The Borough's long established special school continued to thrive, increasing in size and moving to new accommodation in the mid 1960s. In the County, ascertainment had been effectively carried out with some children accommodated in out of county schools and others in a school for the physically handicapped while the long process of establishing a residential special school took place. Further developments included the opening of two further day special schools, in Kettering and Wellingborough and the establishment of a Remedial Teaching Service. Development in special needs education had become a reality after decades of drift in policy illustrated by inadequate legislation, poor guidance and restricted funds.

The post-war period resulted in a slow but significant contribution by LEAs in responding to the needs of children with learning difficulties, although the attempt by central government to broaden the concept with the introduction of the ESN category failed to achieve its purpose as the term narrowed as a result of the Ministry's priority to provide segregated places. Nevertheless, the response by LEAs in achieving this represented a positive contribution in making provision, although at the same time, it acted as a significant constraint in responding to the attempt to change the emphasis on action in mainstream schools as the most appropriate way to support pupils.

The definition of who required access to a specialised form of education over and above that available in mainstream schools had been extended as a result of the Wood Committee attempts to broaden the special needs concept and introduce the 'remedial' category, and by the introduction of the ESN category following the 1944 Education Act. Assessment and ascertainment were also broadened with the continued development of psychological services and the use of standardised tests in schools. Placement for those in need still focused on segregated provision, which increased considerably, although the idea that much should be undertaken in mainstream schools was becoming established even though the general awareness of this principle was limited, partly because of the increases in segregated ESN provision. The rights of parents were improved with the establishment of the legal right to request assessment under the 1944 Act.



## Chapter 6

### The Warnock Report and the 1981 Education Act

1971-1986

*The Report of the Committee of Enquiry, the broader concept of special educational needs. The end of the ESN category. Early attempts by LEAs to develop policies for all children with special needs and the positive response in Northamptonshire.*

The first part of this study, (Chapters 3 to 5) has provided an account of the development of a segregated response to the discovery of children in mainstream schools with difficulties in learning and the gradual but eventually successful development of sufficient places in special schools to meet their need. Despite the realisation at the start of this development that much should and could be done in mainstream schools, it was not until the 1944 Education Act that this became an official policy in meeting needs, and even then, schools, LEAs and sometimes even the Ministry acted as if they were unaware of it. The 1970s, however, saw a complete change in many of the concepts of special educational needs, representing the start of a new era. This chapter gives an account of the work of the Warnock Committee of enquiry and the subsequent legislation of 1981 which punctuated the positive developments by LEAs of a largely segregated system for meeting special needs that reached its peak as the committee reported. Following implementation of this Act in 1983, central government effectively withdrew from a positive role in policy development as LEAs attempted to incorporate

the proposals and principles of the Warnock Report into their responses to the legislation. Despite the usual constraint of limited resources, much was achieved by LEAs in shifting the emphasis on special needs from special to mainstream schools.

The early 1970s saw a significant increase in debate about integration with calls for a new enquiry into the working of special needs legislation. This increase in both interest and concern resulted, in part, from the inclusion of formerly 'ineducable' children within the education system for the first time as a result of the 1970 Education Act. [Eliz 2, 1970] The severely handicapped became categorised as ESN(S) with the former ESN category becoming known as ESN(M), Educationally Sub-Normal (Moderate). Doubts were expressed about LEAs' ability to cope with their new responsibilities and, as a result, the Government established a Committee of Enquiry in 1973 under the Chairmanship of Mary Warnock.

The arrival of this new group in the system, referred to by many as 'mentally defective', while appearing to be an agreeable and humanitarian response to the categorisation of such pupils as 'ineducable' in previous years, heralded the start of a significant period in which special needs policy was examined closely and conclusions were made about further development as the dual policy of the 1950s and 1960s became more and more untenable in a period of increasing accountability.

In general, many of those working in special schools were unaware of the Warnock Committee and its work until their attention was forcibly drawn towards it by legislation. While evidence was being gathered and the report prepared, central government again raised the awareness of its long-term official policy on integration by the inclusion of a section in the 1976 Education Act which made it clear that LEAs had a statutory duty to ensure that special education took place in ordinary schools unless it was impracticable or incompatible with the provision of efficient instruction or if it would involve unreasonable expenditure. [Eliz 2, 1976] Although this section re-iterated official DES policy, changing the emphasis further in favour of action in mainstream schools, it came as something of a surprise to many working within the system, as they thought of special education and the ESN(M) category as being highly segregated. Although the section was never brought into force it succeeded in drawing attention to the existence of the Committee of Enquiry and the possible nature of its outcomes.

The importance of Section 10 of the 1976 Act was that it indicated the start of a significant shift in perceptions about children with special needs. Discussion of the subject began to relate more to children with severe, complex, sensory or physical difficulties especially those who had recently been included in the system, and less to those with difficulties in learning.

The foundation of the work of the Committee of Enquiry in concern about those with more severe difficulties drew attention once more to the inconsistencies of the existing ESN categories. The gradual change in

emphasis on the term 'special educational needs' to relate more to children with severe difficulties had serious implications for the existing ESN(M) category. The concept of 'ESN' had always been problematical in that it had originally referred to children in both special and ordinary schools with learning difficulties. The dividing line between the two sub-categories had become an arbitrary issue dependent upon varying factors such as the availability of segregated places and interpretations by individual LEAs and the professionals within them. The basic instrument of differentiation between ESN(M) and normal children had been the IQ test administered by educational psychologists, although it had been accepted since the early 1970s that figures obtained from these tests could hide other factors which could only be discovered through subjective evaluation. This made it inappropriate to define categories on IQ scores alone.

Cleugh, the writer of a special educational needs handbook in the late 1960s, had attempted to justify the definition of educational subnormality through IQ scores, claiming that 'when all is said and done, the main reason for children to be transferred to an ESN school is because they are such slow learners that they need special methods to help them learn, and therefore in the last resort the IQ is probably the crucial criterion in transfer to a special school'. [Cleugh, 1968, pg 20] This view implied that the IQ score was used to legitimise the definition of sub-normality and subsequent action, rather than to inform it.

Much of the literature aimed at 'ESN' and 'remedial' teachers in the 1960s and 1970s included anecdotal descriptions of the 'typical' ESN child, illustrating the stereotyping the category could be subjected to. This revealed some of the less overt factors that contributed to the definition of the ESN child. Jackson, [1966, pg 10] for example, provided the following description;

*'A girl was identified as a slow learner at infant school where it was known she was left to look after herself a great deal. The infant teachers remembered her as a ragged, docile child, who rarely joined in play and came to school unwashed and sleepy. During the Borough's survey she was found to have an IQ of 67. She was seen by an educational psychologist and it was recommended that she should go to an ESN school. The parents refused to let her go because they thought "Everyone will think she is daft", and because they thought the local special school was a lunatic asylum. Persuasion of the parents was unsuccessful, but the Authority decided not to exercise their option and force the parents to allow her to go. During the next twelve months, however, all learning stopped, while long absences and fits of aggression started. The parents were eventually persuaded to look round the school, which they thought was very good and so they allowed her to go. After transfer she was found to suffer from a slight hearing loss and she also needed glasses. Her reading skills were analysed and it was found that she could not blend sounds. Home remained a problem however, there was no support for her growing literacy skills and she needed a regular bath at school. At 15 she remained almost illiterate but was a school prefect'.*

This stereotype includes elements such as poor home background, inadequate parents, inadequate primary school, physical problems, absences from school, disruptive and aggressive behaviour and the failure of the special school to

secure progress, which were factors not directly considered in the ascertainment and decision-making process.

A significant investigation into the ESN(M) category was carried out by the sociologist Sally Tomlinson [1981a, 1981b] in the late 1970s. This study revealed that ascertainment, rather than being the exact science the professionals portrayed, was instead characterised by the application of ambiguous, inaccurate and idiosyncratic criteria which were generally unformulated and unclarified. The professionals involved in the ascertainment process believed that they could 'perceive' the ESN child and then use other methods to quantify, demonstrate and prove their perceptions. Tomlinson felt that the ESN(M) category was socially constructed rather than based on innate qualities within the child. She believed that the ESN child was created by 'accounts' or descriptions and explanations provided by the professionals, the use of which varied according to the goals of the professionals using them, concluding that the criteria for ascertaining the educationally sub-normal were complex, unformulated, sometimes unclarified, based on non-educational qualities within children and their families, linked with the interests of the professionals and others involved, and overlaid with an ideology of humanitarianism. 'ESN' was seen as a social problem with the professionals involved in the ascertainment process enabling the normal system to run smoothly by providing an exclusion service. [Tomlinson, 1981a, pg 312]

The way in which formal procedures were used to construct the ESN child were at variance with the 'official' image. Instead of smooth teamwork by professionals, there were conflicts between their interests and anxieties over recording material for discussion by others. Heavy reliance appeared to be placed on informal methods of communication, including face to face discussions, case conferences and telephone conversations. These often involved the exchange of unverifiable subjective information concerned with such things as family background and conflict between schools, none of which related directly to the needs of the child. [op cit, pg 338]

Tomlinson's work highlighted the problematical nature of educational sub-normality in its narrowed form, but the entire existence of the category was put under threat by the Report of the Committee of Enquiry which was published in 1978. By this time the number of segregated places was at its highest ever level. By January 1977 there were 176,688 children (1.8% of the school population) in segregated special education of all types. At the same time special classes had been attached to 40% of mainstream schools, which meant that there were over 10,000 establishments dealing with over 500,000 pupils, 450,000 of whom had either or both learning and behavioural difficulties. The majority of these, (82%), spent less than half their time in special classes. [DES, 1978, para 3.25]

The Warnock Report established a number of important principles on which further development of special needs education could be based. One of those most firmly established was that integration was the most appropriate

setting for most, if not all, children with special educational needs. A further important principle was the raised status of parents in the process of identifying and meeting needs as active educators. Nevertheless, the view of special educational needs presented in the Report reinforced the idea that 'handicap' was equated more with physical defects than difficulties in coping with academic subjects.

Limitations were expressed about the existing categories because they failed to define the educational help required to meet the identified needs and because many children could fall into more than one category. [op cit, para 4.79] The Committee felt that a higher proportion of children than previously, up to 20%, could be regarded as having special educational needs, and that the current categorisation should be replaced by a detailed description of needs which would result from an effective ascertainment process. It was accepted that some terminology would remain, however. [op cit, para 3.32]

A system of 'recording' was suggested to safeguard the small proportion of roughly 2% who were thought to have more serious difficulties. A five stage assessment process was proposed. The first three levels of this framework would take place in ordinary schools. The remaining stages would be the responsibility of the LEA. [op cit, paras 5.3]

### *Proposed Stages of Assessment*

#### *Stage 1 (School-based)*

*The headteacher will be responsible for marshalling all the information about a child's performance in school, together with other pertinent information that is available from other sources including where possible the parents. In the light of this information decisions will be taken to make special*



*arrangements within the school subject to review or to seek further advice. Progress must be monitored carefully and detailed records kept.*

**Stage 2 (School-based)**

*The child's difficulties will be discussed by a specialist teacher. The headteacher will once more be responsible for assembling information with an advisory teacher carrying out further assessment. Options for further action will be the same as those for Stage 1 with a special programme to be supervised by the Advisory Teacher.*

**Stage 3 (School-based)**

*If insufficient progress is made as a result of input at Stage 2 assessment by professionals brought in with the advice of the advisory teacher should take place. Options at this stage are for special arrangements to be made within the school or to refer the child to assessment at Stage 4.*

**Stage 4**

*Formal multi-disciplinary assessment will be carried out by professionals employed by the LEA, the outcome of this assessment will be the deployment of appropriate resources that may not be available within the child's school.*

**Stage 5**

*Formal multi-disciplinary assessment similar to Stage 4 but which will involve a greater range of professionals.*

Improvements were also suggested for increasing the level of parental involvement, including greater access to records, improved rights of appeal and greater speed in statutory assessment. [op cit, paras 4.69-4.71] It was suggested that children already receiving special education in special schools and units would automatically be regarded as 'recorded'. [op cit, para 5.3]

Functional integration within mainstream schools was seen as the most appropriate setting for many children with special educational needs and it was recommended that Section 10 of the 1976 Education Act was implemented. The Committee wished to see 'Efficient education for the school as a whole, providing good education for all children, not just those with

special needs'. [op cit, para 7.48] It was felt that special schools would still be required by those with severe and complex difficulties who would be better suited to a segregated environment, but that the role of these establishments would be extended to become resource centres for mainstream schools. [op cit, paras 6.10, 8.4-8.10]

Existing remedial teaching services were seen as an important element in meeting the needs of the wider range of pupils identified by the Committee. It had been found that much valuable work was already being carried out by peripatetic services in line with the Committee's broader concept. It was recommended that every LEA should restructure, and if necessary, supplement its existing advisory staff and resources to provide effective support to mainstream teachers. Advisory and Support Services were seen as a means for LEAs to deploy special educational teaching skills and expertise as effectively as possible, in support of children with needs wherever they were being educated, ensuring that the progress of the individual child was reviewed regularly. [op cit, paras 13.2-5] In addition, such services would also have a responsibility to inform the LEA about the needs of children who had been assessed at any of the three school-based stages. This information would be essential if the authority were to arrange appropriate support. [op cit, paras 13.13-32]

A note of caution was added to the Committee's conclusion when it was emphasised that organisational changes and additional resources would not in themselves be sufficient to achieve the desired change. Special education

needed to be seen as a form of educational activity no less important, no less demanding and no less rewarding than any other and that teachers, administrators and other professionals engaged in it needed to have the same commitment to children with special needs as they had to all children. It would be of little use if changes in attitude were confined to people engaged in special education. There also needed to be a general acceptance of the idea that special education involved as much skill and professional expertise as any other form of education.

The Report was believed by the Committee to be not only a set of practical proposals for improving the education of children and young people with special needs but also a contribution to the changes of attitude that would be essential if the aims were to be fully realised. [op cit, paras 19.34-5]

Despite the number of segregated places for ESN pupils being more or less sufficient for those ascertained by the time of the Warnock Report, integration now became an important aim in special education because of the acceptance within society that people with disabilities should be allowed to live as normal a life as possible. Society's view now equated the terminology of special needs more with physical or severe difficulties, suggesting that children with mild or moderate learning difficulties would not necessarily be the main focus of any new legislation. Such pupils could then find themselves in the non-statutory and unprotected section at the end of a continuum of 'normal' children. The Warnock Report provided some suggestion of this by proposing alternative uses for ESN(M) schools, the eradication of the ESN

category, and the introduction of a system for support in mainstream schools. There was a real danger that the needs of children with learning difficulties would be neglected as high profile action was taken to integrate the severely handicapped. Definition of those who needed extra support was, nevertheless, moved significantly away from 'categorisation' to 'need' and extended to include those who needed support at any time during their school career.

The legislative response to the Warnock Report was the 1981 Education Act, which introduced 'statementing' as the equivalent to Warnock's 'recording'. According to the 1981 Education Act, a child had a 'learning difficulty' and a subsequent special educational need, if;

- a) he had a significantly greater difficulty in learning than the majority of children of his age;*
- b) he had a disability which either prevented or hindered him from making use of the educational facilities of a kind generally provided in school for children of his age; or*
- c) he was under 5 and would be likely to fall under a) or b) if special educational provision was not made. [Eliz 2, 1981]*

In the tradition of special needs legislation, there was much that was left to the interpretation of the education authorities, even though the tone of the Act appeared to place stringent statutory obligations upon them.

The Act provided LEAs with a duty to make sure that provision was made for children who had special educational needs and that where these

arrangements were made a 'statement of needs' was maintained. The Act also stated that children would be educated in ordinary schools as long as this was in accordance with the views of the parents, and compatible with the child receiving the provision required, provision of efficient education for other children in the same class, and the efficient use of resources. [op cit, Section 2]

The existence of these last three conditions allowed LEAs to interpret the needs of children in terms of what was most available and most appropriate for the Authority, rather than the child, with the integration of pupils depending upon what already existed and what resources were available to make individual arrangements.

LEAs were obliged by the Act to make an assessment of needs if it was felt that a child had, or was likely to have, special educational needs which would require special educational provision. This was the first hurdle that schools and parents had to get over in order to secure statutory assessment to determine whether or not a statement was required. Once the decision had been made to carry out an assessment under the Act, the Authority was obliged to follow a specific procedure, which involved keeping the parents regularly informed about what was happening. Protection for children who had gone through this assessment procedure, and had their special needs accepted by the LEA, was provided by the 'statement'. The Act also required the LEA to review statements annually. Governing Bodies were to ensure that a child with a statement received the appropriate provision. [op cit, Section 7]

A DES Circular issued in December 1981, [DES, 1981] provided further information about how the legislative policy would be put into practice. This stated that the previous system, which formerly classified pupils according to handicap, was being replaced by a concept of special educational provision based on the special educational needs of individual children. It explained that special needs could arise from a variety of sources and would in future embrace a wider group of pupils than those formally ascertained (20% instead of 2%). This, at first, seemed to indicate that the Act would apply fully to all children with special educational needs under the extended concept. [op cit, paras 1-2] There was nothing in this Circular which indicated that only a smaller proportion would be entitled to the protection of a statement.

The number of children who had previously been assessed by the LEA and had their needs met by them through special arrangements including special school placements had historically been between 1 and 2% of the school population. As a result of the increased awareness of special educational needs, LEAs found themselves in a position where they might have to determine the needs of substantially more, subject to the interpretation of the definitions. [Brennan, 1982] A second circular 1/83, issued in January 1983, [DES, 1983] made it clear that only the '2%' would be subject to statutory assessment under the Act in order to provide resources over and above those usually available, but the remainder, who were deemed to have special educational needs according to the Warnock Report, would not be entitled to statutory assessment but were, nevertheless, still included in the legislation. [op cit, paras 15-16] The 1981 Act could be seen as integrationalist

in encouraging more children to be educated in mainstream schools, but little in the Act contributed directly to the needs of the larger '18%' apart from the vague and minor duty placed on LEAs to take responsibility for all children with special educational needs.

It was apparent that cost would continue to be a major factor in meeting special educational needs and that the extra costs of integrated placements would have to be funded by LEAs through cuts in segregated provision. The DES insisted that improvement could be achieved through greater awareness and in-service training which concentrated on identification and assessment. [Weddell, 1982, Giles, 1982]

Circular 1/83 further outlined LEA duties with regard to statutory assessment and the statementing process. This circular established the format for statements and set out the principles by which LEAs should decide who should be assessed and who should be statemented. The education authorities were urged to focus on the individual, not the disability, and to take account of a range of factors, which included an analysis of learning difficulties, the specification of different kinds of approaches, facilities or resources, and the special provision required to meet the identified needs. It was also made clear that the children who would be assessed under the Act were those with more severe difficulties who would require either extra resources in ordinary schools, or special education in units or special schools. Formal procedures would not be required where mainstream schools provided

special provision from their own resources or where help was required only for a short time. [DES, 1983]

The new legislation together with the circulars brought to end central government's active involvement in policy development. LEAs were left to carry out the detailed implementation of the policy with restricted resources and an over-preponderance of segregated places.

The ESN category had been eradicated by the legislation and although most ESN(M) schools were renamed as establishments for those with moderate learning difficulties, this new category did not fully match the previous label. The added pressure of parental expectation that most children with special needs would now be educated in mainstream schools with additional support, resulted in a further blurring of the mild/moderate distinction as both groups began to be seen collectively as a mainstream problem.

The move away from categorisation to the definition of individual needs meant that, according to the Act criteria, the former ESN(M) would no longer qualify for the protection of a statement as 'moderate learning difficulty' did not equate with the 'severe or complex learning difficulty' that required statutory assessment. The previous existence of schools specifically for ESN(M) pupils meant that assessment, determination of needs and segregation would continue as a statutory response to this type of learning difficulty after the Act's implementation, but a question hung over new referrals. The situation depended to a certain extent on what LEAs decided to



do with their existing ESN(M) schools. If they remained as they were, then the children in them would have statements and the MLD category would replace ESN(M), if not, these pupils would have to be educated in mainstream schools, either 'integrated' with statements, if extra provision was required, or without this protection if schools were to meet the needs from their own resources.

Special schools in general were, nevertheless, more than likely to continue to exist in some form. Although children were no longer to be officially categorised through the assessment procedure, some labelling remained to allow discussion on the appropriate provision to meet an individual's needs. Specific terms were still required to define difficulties associated with sight, hearing, physical needs, severe difficulties, emotional and behavioural difficulties or combinations of these. The future of special schools for children with severe or physical difficulties appeared to be safeguarded and there was a gradual increase in the number of both children with emotional or behavioural difficulties and schools designed specifically for their needs. Where the numbers in special schools were reduced it seemed to have most effect in the new 'MLD' schools.

Although integration had become the most important factor in meeting special educational needs, the approach was not without its difficulties. In 1981, the National Foundation for Educational Research (NFER) looked at 17 'integration' projects and concluded that they could only work where there was commitment from staff and when resources were made available which

resulted in long-term benefits for the schools in question. [Hegarty and Pocklington, 1982] They also concluded that much of what was being investigated under the heading of 'integration' still had related 'segregated' elements which resulted in separation from mainstream education for a proportion of the day for most pupils. This was particularly noticeable in unit provision.

Awareness of the new responsibilities towards children with special educational needs began to increase gradually in mainstream schools, where there was already considerable experience of dealing with mild difficulties through remedial work. In the 1980s LEAs began to develop methods for helping schools deal more effectively with this significant group of children alongside statutory work, although the motivation for this may have been to reduce requests for statutory assessment. One attempt, described by Collins [1982] was a 'progress department' set up to provide support for both pupils and teachers in the classroom in a secondary school. This example illustrated some of the difficulties that could arise. The categories of support were not defined initially which meant that support staff were expected to deal with every perceived deviation from an unidentified 'norm'. There were also problems providing individualised teaching and in relationships between departments. Another example in Oxford, where a 'resource model' was developed, involved different levels of intervention for the same child in different lessons, ranging from no support, through support in class, to withdrawal. The main danger with this approach was that withdrawal quickly became the main strategy. [Jones, 1983]

Development along these lines was not all negative, however. An examination of integrated provision by Clunies-Ross and Wimhurst [1983] revealed a growing awareness that the needs of slow learners could be met in a variety of ways and that subject specialists in secondary schools were beginning to accept their responsibilities. In another study Clunies-Ross found a wide range of support which included, additional classroom help, back-up teaching, specialist equipment, support from colleagues and in-service training. Although many teachers had found the addition of a second teacher in the classroom difficult to deal with, this concern could be eased through the establishment of clear role definitions. Ancillary assistants and older pupils were seen as less threatening. Withdrawal still took place but in a much more structured way as 'back-up' to what the subject teacher was doing, providing support before or after lessons in order to supply a level of basic skill competence which allowed pupils to benefit fully from the mainstream curriculum. A further positive step forward was the appointment of designated teachers with responsibility for special educational needs who would act as a source of information and liaise with other professionals. [Clunies-Ross, 1984]

An important review of special needs provision in mainstream schools was carried out by Leicester University with DES funding in 1984. [University of Leicester, 1984, pg 190] This survey looked at a sample of schools from a variety of LEAs providing further evidence that attitudes were beginning to change. The survey found that the perceived incidence of special needs in primary schools corresponded closely to Warnock's extended concept,

indicating that mainstream teachers were now recognising that a majority of children in need of help were the responsibility of the schools. Learning difficulties were associated with 80% of those who had needs, but they were not found concentrated in just a few 'problem' schools, however. The main criterion applied by mainstream teachers in deciding if a child had special educational needs was a reading age two or more years below the chronological age. Standardised tests were used as the basic assessment method in over 90% of cases, sometimes as part of an LEA assessment procedure but usually at the schools' own discretion. There was no evidence that testing was being imposed on schools by LEAs, but the quality of the tests used and the interpretation of the results suggested that knowledge of assessment was not extensive. [op cit, pg 193] All LEAs in the sample had instigated efforts to integrate statemented children and this had become the central issue in policy discussions. Although support and psychological services offered some assistance, meeting needs was left almost entirely to the schools themselves.

Working against successful integrated placements were financial constraints that led to a reduction in part-time 'remedial' posts, at a time when demand was increasing. [op cit, pg 195] Withdrawal remained the most popular form of special provision but although class teachers wanted an increase in the numbers receiving help they did not think pupils who were withdrawn would be any more likely to overcome their difficulties than those who received no support. The review also noticed an increasing enthusiasm by heads to accept 'special' pupils in mainstream schools, which was counter-balanced by

limitations in providing appropriate support once they were there. Most teachers felt that they had children in their classes who would previously have been classified as ESN(M) and sent to special schools. [op cit, pg 196]

Systematic classroom observation carried out as part of this study showed that special needs pupils spent much of their time working on individual tasks much like the rest of their classes, making it difficult for their teachers to spend an appropriate amount of time with them. As a result, these pupils spent more time 'off-task' and were more easily distracted, with the periods of distraction spent on their own with no interaction with other pupils, unlike the rest of the class. [op cit, pg 197] All children with special needs received higher levels of attention from the class teacher, but this amounted to only a small proportion of their time in school and it was not enough to increase their level of involvement to that of the rest of the class. Classroom organisation was found to influence the amount of work undertaken and the teacher's presence had a greater effect on special needs pupils than the rest of the class. [op cit, pg 198]

The LEA in Northamptonshire where the Borough Council and the County Council had merged into one authority following local government reorganisation in 1974, had responded positively to the Warnock Report. The existing ESN schools had been reclassified as ESN(M) in 1971 and two further schools in this category were opened in 1975, Billing Brook in the rapidly expanding town of Northampton and Isebrook in Kettering, which along with a new purpose built school for the physically handicapped, had

replaced the forty year old Kingsley school. Loddington Hall School remained open, but with a steadily decreasing number of pupils. At the time of the Warnock Report there were, therefore, six ESN(M) school in the County now under one LEA, although plans were being made for the closure of Loddington Hall.

The immediate response to the Warnock Report by the Education Department in Northamptonshire had been to establish a working party to discuss the best way of implementing the recommendations without waiting for legislation. Support to mainstream schools at this time was provided in four ways; in-service training, enhanced staffing ratios in secondary schools which amounted to a 5% addition to the budget, 'opportunity classes' in mainstream schools and the remedial teaching service. [NCC, 1979a]

As a result of a post Warnock review it had been decided that the existing peripatetic service would offer an increased guidance role while retaining the commitment to teach small groups of pupils. [NCC, 1978] In 1978 the service was comprised of 18 teachers who were described as having 'considerable experience and knowledge of the ways in which learning problems could be overcome or reduced'. They taught on a weekly basis in over half the Authority's 300 primary schools, giving help to up to 1500 pupils. The service was unable to meet all the legitimate demands placed upon them in the immediate post-Warnock era, however. [NCC, 1979b] Staffing cuts in 1978 removing many part-time 'remedial' posts from mainstream schools had placed further demands on the service. In an attempt to reduce these

demands it had been decided to withdraw the service from the middle schools in Northampton (which had been established in the Borough after the Plowden Report [DES, 1967] but before local government reorganisation), and from schools where there were less than three children with reading ages two or more years behind their chronological age. The LEA were uncomfortable about having to take such a decision, but it was not thought possible at the time either to increase staff or to spread resources more thinly. [NCC, 1978]

The five 'Opportunity Classes' were partially integrated units in key primary schools in the major population centres of the County, and were aimed at 'dyslexic' children of average or above average ability who were failing to learn to read. The classes had a larger catchment area than the schools in which they were situated. [NCC, 1979a]

The six LEA ESN(M) special schools for children with learning difficulties were also based in the major population centres, apart from Loddington Hall. It had been intended to establish a further special school for the mainly rural southern area of the County but this had been shelved following the Warnock report and was never subsequently built. Apart from this, the segregated system in Northamptonshire was complete in 1978.

The working party was made up of County Councillors, teachers (who were Union representatives on the Education Committee not specialists involved in special education), Officers of the LEA and Social Services and the

Principal Educational Psychologist who had recently been appointed. Their meetings took place in 1979 with the following terms of reference;

- to identify the main recommendations of Warnock in relation to Northamptonshire and their local implications;
- to consider recommendations of a working party on the integration of handicapped children which had been set up the previous year,
- to consider present special needs provision in the County,
- to consider resource requirements in terms of staffing and other facilities arising from the recommendations,
- to consider what recommendations needed to be made to the Education Committee regarding future policy.

The chairman accurately stated that the Working Party would be formulating policy 'not just for the next few years but probably two or three decades.' [NCC, 1979b]

The Committee welcomed the recommendations of the Warnock Report but felt that many of them were already existing good practice in the County. Implementation of others would have severe resource implications. It was thought that a small number of pupils would be able to transfer from special to mainstream schools but that segregated provision would still be required for significant numbers. [op cit, pg 3]

It was concluded that more time would be required to formulate long-term plans for special education in ordinary schools. This led to the establishment



of a professional study group to consider the matter further. Strategies were identified in order to achieve an immediate improvement, which included lowering the pupil-teacher ratio, establishing more in-service training, appointing specialist teachers with responsibility for special educational needs in each school where practical (with a peripatetic teacher fulfilling this role where it was not), establishing resource centres in large schools and encouraging greater cooperation between special and mainstream schools. [op cit, pg 5]

It was agreed that parents should be provided with as much information as possible and have access to all reports written about their children. It was proposed to prepare a booklet for them describing the special provision available in the county. [op cit, pg 6]

It was agreed that there was a need for an integrated and coordinated peripatetic service that would supplement the psychological service and the LEA inspectorate in giving advice to teachers and parents along the lines of the Advisory and Support Services described by Warnock. An enhanced concept of special educational needs would mean increases in staff for both the inspectorate and psychological service, the latter having to rise from 11 to 35 in order to provide a service at the ratio of 1:1500 pupils, recommended by Warnock. [op cit, pg 18] At the time the school population was 100,939 with 2,083 (just over 2%) receiving special education with a further 216 awaiting placement. Improvements to special school staffing ratios would also be required to enable adaptation and development of new services, and extra

staff would be needed in mainstream schools to enable more integration to take place. It was therefore decided that the remedial teaching service would be reorganised into an Advisory and Support Service. [op cit, pg 19] Loddington Hall closed in July 1981 ending one form of segregated provision.

Further planning by the LEA was punctuated in 1982 by the preparation of guidance for the implementation of 1981 Education Act. A draft circular, [DES, 1982] had indicated that guidance should be given to schools on arrangements for identifying and assessing special needs in readiness. In Northamptonshire this guidance was prepared by the Principal Educational Psychologist who was seen by the LEA as the key figure in meeting the Act requirements. It was felt that future statutory assessment would be similar to existing practice, except that, to comply with the spirit of the Act, parents would play a greater part. [NCC, 1982a]

In keeping with the Warnock stages of assessment, schools were urged to make arrangements to meet needs within their existing resources and to consult with parents before involving other agencies. If this initial attempt at meeting needs failed to secure progress and a *prima facie* case was thought to exist, the matter was to be discussed with a psychologist who would decide whether statutory assessment was appropriate. The first stage in this process would be a letter to parents informing them that it was the intention of the LEA to carry out this action. The communication would also tell the parents whom they could get in touch with for further information and invite them to contribute to the assessment by making representations or by submitting

evidence. After these representations had been received, a firm decision would be made by the psychologist on whether to proceed. The Parents would be told the names of those who would be making an assessment, informed that they would receive copies of all reports and that they could attend all the examinations and assessments. All the professionals involved would also receive a copy of everyone else's reports. The whole process would be coordinated by a psychologist, who would make the decision on whether a statement should be made, following an evaluation of all the evidence. In the case of disagreements the psychological service would commence negotiations which could, if appropriate, involve an officer of the LEA. If a statement was to be made a draft would be prepared by the psychologist for approval by the parents.

By 1984 the Act had been in operation long enough for the LEA to evaluate its implications and effects. The psychological service had found the task of coordinating and preparing material for Act assessment too much to cope with, in addition to the statutory duty of writing and reviewing statements for children already receiving education in special schools. Much of the administrative paperwork of the Act was subsequently transferred to the special needs section of the Education Department, and a special school head teacher was seconded to act as a 'Statementing Officer' to coordinate evidence from all sources, draft and sign statements and attend statutory reviews when required. [NCC, 1982b]

The LEA remained aware that mainstream schools needed support in dealing with a wider range of special needs. The LEA, despite Warnock and the recommendations of their own committee, had concluded that only a few statemented pupils would be taught outside special schools and that the best way of dealing with the large number of other children with special educational needs would be to make sure that those remaining in mainstream schools with mild difficulties received appropriate support. Where the parents of children with statements requested integrated placements and the schools concerned were prepared to take the responsibility, placement would still be encouraged through the use of additional resources to be specified on the statement.

To further improve the service for children with special educational needs in mainstream schools, head teachers were asked to appoint teachers with relevant training, qualifications or experience to act as 'Special Needs Coordinators' (SNCs or SENCOs), and to ensure that children with special educational needs were provided with an appropriate curriculum. In primary schools it was thought that most children would have their needs met through withdrawal or in-class support but staff were urged to consider ways in which the curriculum and teaching approaches could be structured to meet the needs of all pupils. [NCC, 1984a] This marked the introduction of the 'whole school approach' to mainstream schools. Primary schools were urged to devise a detailed recording procedure which could be passed onto subsequent schools and to make more use of the existing support service. Secondary schools were expected to appoint a senior postholder as SNC who

would liaise with staff in all curriculum areas and provide assessment and support for individual planning. The emphasis on meeting needs was being placed firmly within mainstream schools. [NCC, 1984b]

Statutory Assessments and related processes under the 1981 Education Act were reviewed by the LEA in January 1985 with the result that the pre-statutory procedure was tightened up. A new form (PFC1) was introduced to be completed in consultation with parents when the school felt that a *prima facie* case for assessment existed. The schools were reminded that they were expected to have attempted to meet the identified needs themselves and to have consulted outside agencies before taking this step. This reflected a growing trend in schools for a request for statutory assessment to be their first and only action in attempting to meet the child's needs. Completed forms would be sent to one of the four Area Education Officers who had taken over decision-making for this stage of the process. This action had been taken in an attempt to reduce the number of requests the schools were making and to encourage them to deal with more cases themselves. [NCC, 1985a]

Where statements were issued for mainstream placements the amount of additional teaching support provided by the authority on a weekly basis to meet the child's needs was stated. A new initiative based on this allocation of teaching resources was established in 1984 where units of resource of up to 5 teaching hours a week were allocated for a fixed term without a statement, at the discretion of the Area Education Officers. This was intended to provide immediate support to specific pupils without having to go through the

statementing process, so that needs could be met quickly and either the need for a statement considerably reduced or for additional support to be available as soon as possible if a statement was eventually made. However, this system quickly came to be seen by schools as a way to gain additional resources without having to go through statutory processes and the demand for these resources grew quickly.

The Assistant Education Officer for Special Needs had stated in 1985 that this increasing demand for support without statements in mainstream schools could only continue with reductions in other parts of the special needs service. It was proposed, in future to provide this extra non-statemented support in mainstream schools for one term only, after which it would cease unless approval for an extension had been obtained from the LEA. Up to this point the LEA had kept to the spirit of the Act as far as was possible, encouraging requests for integrated placements. They were now overtaken by resource implications and the suspicion that the schools themselves were taking advantage of the situation to obtain more resources, rather than effectively meeting needs of individual pupils. [NCC, 1985b]

The momentum created by the Warnock Report had therefore continued in Northamptonshire following the implementation of the 1981 Act. Nationally, progress in fully implementing the Act was slow, leading to expressions of concern about the process by interested individuals and groups. Those writing on the subject at this time, such as Thomas [1985], stated that LEAs and schools were continuing to be cautious, an approach reflecting the desire to

avoid any major change without a consensus of support from the teaching profession or appropriate funding.

In response to complaints by parents, the Centre for Studies in Integration in Education (CSIE), a pressure group established to monitor both the incidence of integration and the working of the 1981 Act, examined the information provided by LEAs for parents about special needs legislation. A questionnaire on the subject was sent to all education authorities, 63% of whom responded. The replies revealed that many were failing in their statutory duty to supply information. Some provided no information, half failed to mention that parents had a legal right to request assessment, only 46% informed them that statements had to be reviewed annually, and 25% omitted information on the appeals procedures. Negligent LEAs excused themselves by saying that the production of information booklets for parents had a low priority in a time of economic constraint. [Vaughan, 1986]

The CSIE's statistical work revealed that although, in general, LEAs were attempting to integrate more children there were some disturbing initiatives in certain parts of the country. Surrey, for instance, decided in 1988 that all children with 'moderate learning difficulties' would be sent to special schools at the age of 8 because, according to the Assistant Education Officer, 'if you want a structure of special schools you really need the children to fill them'. [TES, 1988]

By 1988 the Secretary of State for Education felt confident enough, however, to state that 'there was a growing tendency to educate children with statements in mainstream schools', claiming that since 1981, 30,000 children who would otherwise have been in special schools had been absorbed into normal schools. [Hansard, 1988] The sources for this statement were not disclosed, and when Willm Swann examined the available information on behalf of the CSIE he found a more complicated and less reassuring picture.

Initially the statistics had been encouraging. In 1983 the percentage of the school age population attending special schools had gone down for the first time since 1950, with 1.54% of 5-15 year olds in special schools. By 1987 this had dropped to 1.41%. Swann revealed, however, that although the rate of flow into special schools had fallen in 1983, it had started rising again immediately afterwards. The reason for this was thought to be the statementing process itself. The system had become clogged in 1983 because of the need to write and review statements for all pupils already in special schools and units. Swann also discovered that although 66 LEAs had made positive progress and reduced their level of segregation, in 30 Authorities the level had increased, by more than 10% in the case of 10 LEAs.

Nevertheless, integration overall appeared to be increasing gradually, the number of pupils with statements dropped between January 1985 and January 1987 from 143,060 to 141,962, while the number in mainstream schools rose from 26,787 to 33,277 (18.7% to 23.4%) an increase of 25% over two years. There were huge variations across the country, however, with



74.1% of statemented pupils in mainstream schools in Cornwall, 53% in Wiltshire and Suffolk, but only 3.5% in Manchester and 1% in Oxford. [Swann, 1988]

The widely accepted enhanced concept of special educational needs had meant that improvement to support teaching within mainstream schools had become an important factor in responding to those needs. Different methods evolved to enhance withdrawal, which remained the basic strategy, despite its limitations. It provided a useful medium for intensive support without the distractions of the classroom. When used just for hearing reading it had limitations but could still be viewed as a useful 'time-out' experience for some children who were involved in personality clashes with their teachers. It also created the impression that needs were being met. Class teachers were generally happy with the arrangements, observing that children who had been withdrawn increased in confidence. [Bines, 1986, pgs 4, 16]

### *Summary*

The main feature of this period was the change of emphasis that occurred in special education for children with learning difficulties. This took place in two areas, firstly, the most appropriate place for this form of provision to take place, and secondly, the changes that took place in categorisation.

Although official government policy had been for special education to take place in mainstream schools since 1946, in practice, the emphasis had

remained on segregated provision in separate schools for those with moderate difficulties, while those actually in mainstream schools with learning difficulties were subject to a range of experiences which were dependent upon factors within the schools and not to any set policy operated by the LEA. The 1970s introduced a significant change in emphasis as integrated placements became the more desirable setting for special education and the concept of those who had special educational needs became broader, covering an even greater range than had been envisaged by the ESN category on its introduction in 1946.

Up until 1971 the ESN category had been the lowest classification of pupils who had been considered educable. Their need for a form of education different to that required by other children, including those with milder difficulties, meant that the provision offered to them was rightly considered as 'special' within the existing system. The arrival of the formerly 'ineducable' ESN(S) category within the system as a result of the 1970 Education Act meant a subtle change in the descriptive term 'special education', as those with the more severe forms of difficulty had a 'more' special form of education than that offered to the ESN(M). The nature of the needs of the new ESN(S) category also emphasised their 'special' quality as it quickly became apparent that although differences between the ESN(M) and the 'dull and backward' or 'remedial' category were very small, there was a huge gulf between these groups and the ESN(S).

The Committee of Enquiry under the chairmanship of Mary Warnock, originally constituted because of concern for the ESN(S), drew attention to the changes of emphasis and fixed them in place through the publication of the Report, changing the terminology applying to the ESN(M) category and setting out a framework which would result in its disappearance from the special needs vocabulary without the introduction of a parallel or synonymous term.

The legislation which resulted from the Report of the Committee introduced statementing as the protection for the 2% of children with the most severe difficulties and at the same time extended LEAs' responsibilities to all children with special educational needs. This required a significant change in policy to support mainstream schools to meet the needs of both statemented and non-statemented pupils, while the role of special schools, especially those for children with moderate learning difficulties gradually diminished.

The extended concept of special educational needs together with the 1981 Act duties meant that LEAs had a much greater level of responsibility, which included undertaking statutory assessments, monitoring and reviewing statements, arranging integrated placements for statemented pupils when it was practicable and desirable, providing more information for parents, encouraging mainstream schools to make the initial efforts themselves to deal with a child with special educational needs before involving LEA agencies, developing special schools in order to fulfil a wider range of

purposes and finding ways to support mainstream schools in meeting the needs of all pupils effectively.

Central government during this period left the responsibility of the development required after Warnock and the subsequent legislation to the LEAs for many years once the initial Circulars related to the legislation had been provided. The LEAs then developed procedures, processes and methods to meet the broader range of pupils in a wide variety of ways.

Policy definition from 1983 onwards was left, therefore, to the authorities and involved the implementation of the Act and the incorporation of the suggestions of the Warnock Report as and when resources allowed. This was not without problems as a number of unforeseen factors affected development. The implementation of the 1981 Act involved a great deal of administrative work, it proved difficult for LEAs to change the roles of existing special schools and reallocate resources from them to mainstream schools. In addition, partnerships with parents took a long time to establish. Integrated places gradually increased but it proved difficult both to encourage schools to attempt to meet needs themselves or for them to see statements as more than a way to gain additional resources for the ordinary school.

Although an urgent need in this period was for support to mainstream schools to enable them to devise and implement special needs policies, such a system also took a long time to develop, despite the framework provided by Warnock and the existence of remedial services and psychological services on

which they could be based. Integration in general gradually increased although variation across the country was very wide and in many ways ineffective in actually meeting needs.

In Northamptonshire, the administrative implications of the 1981 Act had proved to be time-consuming to such an extent that they detracted from their intended purpose. Effective support to mainstream schools was not yet in place and eventually consisted of little more than a series of letters and guidance papers which reminded schools of their statutory duties and what they needed to do in order to adhere to county policy on such things as early identification and referral for statutory procedures.

LEAs had made a significant contribution to special needs education for children with difficulties in learning by providing a significant number of integrated placements and in responding to the Warnock Report and the 1981 legislation by attempting to encourage mainstream schools to respond to a wider range of needs. The main constraint was not financial, although this remained a significant element, it was the ability of LEAs to respond to the Act and to incorporate the principles of the Warnock Report in their planning. The direction for special needs education had been finalised but the impetus for effective development had not yet been achieved.

The Warnock Report had changed the emphasis on who needed access to special provision by broadening the concept of the proportion of pupils in school who had special needs while, at the same time, changing the emphasis

on where those needs should be met, from segregated to integrated settings, effectively changing the overall framework within which this work was undertaken. The emphasis on assessment was also changed, from a specific event to a process, although the threshold for LEA involvement in this process remained open to interpretation. The rights of those involved in the statutory process were increased with parents having the right to request an assessment, to participate in the statutory processes, including annual reviews, and to express a preference where a statemented child's subsequent education should take place.

## Chapter 7

### Support Services 1986-1992

*The continued decline of special schools and the introduction of support services to assist schools meet the needs of all children with learning difficulties. The effects of educational reforms.*

This chapter describes the development of support services as the major strategy used by LEAs to help schools meet the wider range of children with special educational needs without instigating statutory assessment procedures, and the decline in special schools for MLD pupils. Support services represent one of the most important contributions by LEAs in the development of appropriate special provision. However, these initiatives were undermined by constraints provided by the 1988 Education Reform Act, which resulted in reorganisation and changing roles almost as soon as the services had been established.

Once the 1981 Act was in place and fully operational and LEAs had ironed out the difficulties that implementation had created, it was possible to take the Warnock Report recommendations further by incorporating them into local policy and developing 'Advisory and Support Services' to assist schools to successfully meet a wider range of special educational needs without recourse to statutory assessment.

Some of the early attempts to establish support services similar to those outlined by Warnock, were reviewed by Gipps, Gross and Goldstein. [1986] Each authority in their sample had established a different model of support, so that the range of services included offers of materials and direct teaching, continuation of the existing remedial teaching services, withdrawal, teams of advisory teachers, classroom based support, and support for teachers.

Responses from 122 class teachers indicated dissatisfaction with this support because of variations in times and amounts of support, levels of assistance, and disappointment at losing their own part-time staff at the time the services were established. In areas where remedial teaching services had been retained with an advisory role thrust upon them, many existing staff had found it difficult or impossible to promote the new service elements. Nevertheless, the overall view of the survey was positive.

The experience of Northamptonshire in this area provides an example of a local response to Warnock. A major policy development took place in 1986 with the distribution to schools of the Policy Statement which introduced the LEA's Special Educational Needs Support Services (SENSS) and a folder for schools and special needs coordinators, 'All Our Responsibility', to raise awareness of special educational needs in mainstream schools and to assist schools in fulfilling their roles more effectively. [Northamptonshire County Council (NCC), 1986a]

The guiding principles for future plans were as follows;



*'All young people whatever their sex, race, ethnic or national origin or special circumstances should receive similar access to educational opportunities. It is essential that when a school seeks to meet each need that full and careful consideration is given to the ways in which it may provide many and varied opportunities for children of all abilities, interests and social and cultural backgrounds and in light of all that is known about child development and human potential. It is firmly believed that the experiences provided for children and the tasks they are set must be well matched to these individual differences.'* [NCC, 1985c]

*'The curriculum has to reflect the broad aims of education which hold good for all children whatever their capabilities, it has to allow for differences in ability and other characteristics of children even of the same age. If it is to be effective the school curriculum must allow for the differences.'* [DES, 1985a]

*'There should be differentiation in the teaching approaches some pupils need to proceed slowly and some need a predominantly practical approach.'* [NCC, 1986a pg 1]

The LEA policy stressed that *all* children had the right to be educated in mainstream schools with access to a full curriculum with as few modifications as possible. In order to achieve this, it would be necessary for appropriate special provision to be available in ordinary schools. The Authority intended to establish guidelines on the identification and assessment of children with special educational needs, encouraging a high level of integration and

cooperation between mainstream and special schools. In order to meet children's needs it was intended to increase and reorganise the existing provision, the key element of which would be the establishment of SENSS. [NCC, 1986a pg 2] Children with mild and moderate learning difficulties would be dealt with either by the Service for Children with Learning Difficulties (SCLD) or the existing Special Schools Outreach Support Service.

The SCLD, although organised within the new SENSS framework, was based upon the existing remedial teaching service, but with a new head and a significant increase in the staff. The role of the service was to deal with a wide range of children with special educational needs in ordinary schools. These included those whose developmental delay prevented them from benefiting from the educational experiences usually offered to children of the same age, those whose early experiences had not enabled them to develop the level of language, social and other skills necessary for them to benefit from the nursery and infant school curriculum, those whose general ability was significantly below average but whose capacity to learn might be unimpaired but were unable to progress at the same rate as their contemporaries, and children with severe specific difficulties in writing, spelling, reading and mathematics. [op cit, pg 4] The development of this service was intended to be the principal means by which the LEA special needs policy would be implemented over the coming years.

The service had three aims; to help schools identify children with special educational needs; to help schools assess and analyse learning difficulties;

and to help class teachers plan, develop and provide appropriate strategies to overcome these difficulties. In addition, the SCLD would also support the teaching of individuals or groups with learning difficulties by, for instance, contributing additional expertise to the identification and assessment process; working alongside colleagues in developing teaching approaches and educational programmes; offering a direct teaching service for some children and contributing to the in-service training of teachers by supporting them in mainstream classrooms and through school based courses. [op cit, pg 5]

The Service would consist of a Head and six area teams of 5 teachers each with a team leader. The work was to be focused initially on primary schools but team members were to be available to secondary schools in an advisory role. The teams were intended to work closely with Educational Psychologists so that 'in their distinctive but related ways' they could offer a range of support for identifying and helping children with learning difficulties.

The LEA in Northamptonshire had retained the existing special schools for the physically handicapped, children with severe difficulties and secondary age pupils with emotional and behavioural difficulties, more or less as this had been when the legislation was implemented. The schools for MLD pupils had diminished in size, however. It was intended that they should continue in existence but with enhanced roles. 'Outreach' had developed in the early 1980s in an *ad hoc* manner dependent upon the interests and leadership of the staff involved. The framework of the service offered to some schools, usually those situated geographically close, had been formalised in a draft of

the county policy document. [NCC, 1985a] This had stated that the aim of the service was to establish firm links between special and mainstream schools in the local educational community and provide both children and teachers with additional facilities to support and supplement those that already existed. Support was targeted at primary teachers and children with learning levels 'significantly' below average. The service comprised of school-based support for children who would remain in the mainstream, with a special school teacher working with an SNC or class teacher to design a learning programme, select materials and monitor progress. Referral was initiated by the head of the mainstream school after discussion with parents. Acceptance of cases was dependent upon the availability of staff and the suitability of the child. Commencement entailed a written agreement which stated the aim, length and frequency of contact, recommendations and a review date. Each special school involved were asked to nominate or appoint a senior staff member to take responsibility for the service and to liaise with other services.

The introduction of the folder 'All Our Responsibility' required schools to produce a special needs policy. The LEA Policy Statement was included, along with reminders of the responsibilities of the head teacher and the Governing Body. The need for the appointment of a special needs coordinator (SNC or SENCO) and increased parental involvement in the assessment process was stressed. Particular attention was drawn to the five stages of assessment and schools were once more reminded that it was their responsibility to make the first attempt to meet the needs of children, before decisions were made about bringing in other agencies. [NCC, 1986b]

### LEA Assessment Framework

#### *Stage 1 (School based)*

When it appears that the child has SEN the SNC will gather information and make an assessment and decide the response the school should make. Parents should be kept informed and involved.

#### *Stage 2 (School based)*

If the child's needs are not being met appropriately the school should seek advice from SENSS. SNC will collect information and following the advice from the support services. The school will carry out further assessment and develop a special programme.

#### *Stage 3 (School based)*

If appropriate progress is not made the SNC will bring in the appropriate professional to assist with further assessment which should identify additional support required from SENSS.

#### *Stage 4*

If arrangements don't meet the child's needs the school should present evidence to the LEA that a prima facie case exists. Parents views must be sought. The County Education Officer may increase or vary existing support or proceed to multi-professional assessment under the 1981 Education Act.

#### *Stage 5*

A Statement may be made under the 1981 Education Act. LEA will then be responsible for maintaining reviews and terminating the statement and providing resources to meet the SEN of the child.

The folder also provided information on the conduct of the statutory review of statements. Although there was a duty placed on LEAs by the 1981 Education Act, the process was delegated to schools because they were thought to be in the best position to coordinate times and manage review meetings. The review, which provided an opportunity to examine the accuracy of the statement, was to take place on, before or within half a term of the anniversary of the statement or the previous review. All professionals involved in the original assessment would be invited to attend and the Special Needs Administrative Section of the LEA were to be informed of the date three weeks in advance, in case they wished to send a representative. If

the presence of an LEA Officer was thought desirable by the school, this was to be communicated beforehand. Participants in the review were asked to write reports and it was felt essential that the views of parents should be valued as much as those of professionals. The review would discuss the progress over the year, decide if the child's needs had changed, the priorities for the next year and whether or not the statement needed to be altered. The school would prepare the agenda, take minutes and distribute them to the participants with the reports, informing the Special Needs Administrative Section of the outcome. [NCC, 1986c] In practice, no checks were made on whether reviews were carried out so that schools were able to ignore the statutory requirements and when reminded, by parents, for instance, claim that it was not their responsibility.

Another section of the folder introduced the LEA policy for Identification and Assessment. This was aimed at the early years so that children with special educational needs could be identified as early as possible. Each child in Northamptonshire had a folder of records and information which remained with them throughout their time at school. It was suggested that more use was made of the information in these folders. To start the information-gathering process it was suggested that homes were visited, prior to the child's entrance into school so that those who were likely to have difficulties could be identified at this early stage. Class teachers were seen to have the vital role in identifying needs and it was suggested that a report should be written at the end of a child's first term, recording any weaknesses that had been found. A uniform formal screening of all children in the County was

carried out at the age of 5, and it was suggested that any child with poor results should be monitored carefully with individual objectives and programmes of study being drawn up for areas in which weaknesses had been identified. [NCC, 1986d] Observation was considered to be the most appropriate assessment method.

Schools were urged to carefully monitor each child who was on a special needs programme. Monitoring was defined as 'the process of systematically evaluating and recording progress for the purposes of informing teaching strategies'. A reliable, factual record of progress, including information from other professionals where appropriate was required. Schools were also urged to establish formal procedures to allow the SNC to maintain an overview of records, offer advice, be available for consultation and where possible work with children in the classroom. Apart from observation and screening it was felt that the only other form of assessment should be criterion-referenced. If after this initial stage of assessment, programme planning and implementation by the school, the child was still not progressing, it would then be appropriate to involve the Support Services in further planning. In practice, many schools found this difficult to come to terms with, as they felt they needed support much earlier in the process.

The Circulars 1/83 and 8/81, and a copy of the 'Parent's Handbook' were also included in the folder. This Handbook was available to any parent on request and was also sent to the school with a copy of the initial referral form for statutory assessment (PFC1) to be given to the parent by the school so that its

uses and significance could be explained. The booklet outlined what should be happening in the school when it was thought that a child might be experiencing learning difficulties. It also included easy to read sections on the legal aspects, advice on how to prepare evidence for a formal assessment, lists of organisations that could be helpful and suggestions for further reading. Much of the information was presented as questions that parents might ask together with comprehensive answers. [NCC, 1986e] The aim of the booklet was to put parents at their ease about the situation without being patronising.

Schools were notified of the imminent launch of SENSS in June 1987. Misgivings were expressed by some head teachers, especially those who were losing part-time staff as a result of a series of budget cuts, although it had been made clear that SENSS had not been set up to compensate them for this. [NCC, 1987a] Schools were told that the initiative depended for its success on good working relationships between schools and area teams and that the aim of the LEA was to 'provide schools with an effective and efficient service which was more locally based than previously'. [NCC, 1987b]

Special School Outreach was to continue but in a form closely coordinated with the support services. It was stressed that while it was hoped the numbers of children with statements would be reduced, it was accepted by the LEA that children with long-term needs would still require this protection, requiring resources over and above those normally available to schools. Support services were to be regarded as a 'resource available to schools'.



[NCC, 1987c] The formal assessment procedure was tightened up with the introduction of a new PFC1 form which had a section for describing SENSS involvement prior to submission. If schools submitted forms without this section filled in they would be rejected. [NCC, 1987d]

The Service offered to schools was further enhanced in January 1988 with the allocation of Additional Teaching Support hours (ATS), which had previously been available only through statements or at the discretion of Area Education Officers. These hours could be placed by SENSS directly into schools to cope with urgent or short-term needs for non-statemented individuals or groups, without going through statutory assessment. Each input was limited to five hours a week for a term, but was renewable as long as resources allowed. Long-term plans for the resource were impossible, however, because the finance for this provision was reviewed and allocated by the LEA on a termly basis. By making these resources available the LEA had hoped to meet the needs of a greater number of children than would be possible by statementing alone. It was also hoped that this would further reduce the number of *prima facie* cases being put forward. [NCC, 1988] Difficulties arose, however, when some schools started to take these hours for granted and tried to direct how they should be used, without reference to the support services.

The LEA's attempts to reduce the number of referrals for statutory assessment was not successful, however. On the contrary, the establishment of SENSS had the opposite effect in the short term as more children were being identified in need of long term support at an earlier age. A letter was

sent to schools in April 1988, reminding them of their responsibilities to meet the needs themselves and informing them that in future, when considering requests for statementing, the LEA would be looking for evidence that the child required resources of a specialised nature 'not normally available'.

LEAs in general were attempting to come to terms with the wider implications of the Warnock Report and the 1981 legislation with varying degrees of success. Although integration had continued to increase, variation between authorities remained. Swann, in his 1987 survey for CSIE, showed that the number of pupils in segregated provision ranged from 0.6% in Cornwall to 2.8% in Manchester. He also found a number of LEAs breaking the Law by failing to complete statements for pupils in special schools. [Swann, 1989a]

In 1989 her Majesty's Inspectors surveyed integrated provision in 97 schools by tracking, for one day, children who were either in their final year in a primary school or the first year in a secondary school. Half the lessons observed were judged to be satisfactory or better. The main features of satisfactory work were those considered to be good practice for all pupils. Withdrawal was still used as a major strategy and in a third of schools there were limitations in the curriculum offered to children with special needs. The Report also showed that many LEAs were now establishing support services. [DES 1989a, pgs 1-6]

A possible danger arising from support from the new services was thought to be that mainstream schools and teachers would become resentful of 'experts' who visited schools at irregular intervals and offered advice that was often felt to be either self-evident or impractical. This emphasised the need for a supportive role to be undertaken in order to develop credibility with class teachers. The most desirable element of the new role was, therefore, the ability to communicate openly although certain aspects aided credibility, such as the service title or job description. Services with 'Advisory' in their title, for instance, had a greater chance of achieving a high status than those with just 'Support'. [Coulby, 1986]

Support services like other responses to reports and legislation varied greatly between LEAs. This was understandable to an extent because different systems were appropriate for different areas. The lack of guidance from the DES, apart from the Warnock Report outline, meant that not only was there no continuity of support across the country, but there was also no legislative framework within which they could be constructed, leaving them, in many ways, with the same status as the early special classes in the 1890s. As better provision was being made in mainstream schools for the larger number of pupils with special educational needs, concerns were beginning to be expressed about children with statements who should have been in a much better position. Although pupils in integrated settings had access to the whole curriculum, the schools themselves did not have the expertise or experience to deal with individual problems and programmes of this severity.

Despite growing expertise in mainstream schools in responding to special educational needs, there were still concerns expressed about the standards achieved by those with learning difficulties. In his annual report for 1989, Eric Bolton, the senior HMI, admitted that there had been significant improvements in meeting special educational needs but that the professionals involved still needed to plan, manage and evaluate the work undertaken more effectively. He felt that the move towards integration had been driven more by 'reforming zeal and expediency than a careful diagnosis of individual needs.' [TES, 1990a] At the same time the Inspectorate reported that they considered statements to be badly constructed and that statemented children were not getting as much from integrated placements in mainstream schools as they might. Few inspected primary schools embraced the needs of all pupils and those with statements were often unable to experience the whole curriculum and the schools found it difficult to create suitable individual programmes for them. [TES, 1990b]

Although LEAs were continuing to develop special needs policies which were aimed at ensuring that children in mainstream schools were dealt with effectively, the overall implementation was seriously complicated by the introduction of a wide range of far reaching educational reforms. The 1988 Education Reform Act complicated matters relating to both support services and meeting special educational needs in mainstream schools with its introduction of grant maintained schools, Local Management of Schools (LMS) and the National Curriculum. The result of the LMS initiative was that schools took control of their own budgets, with LEAs having to delegate

an increasing proportion of the centrally held funds, including, possibly, funding for support services. Schools would then have to buy back in. Statemented support would also have to be delegated somehow.

The introduction of the National Curriculum increased the entitlement of all children to a wide range of subjects, increasing the task facing teachers of children with special educational needs, but at the same time putting further pressure on special schools with their narrow range of expertise. Although exceptions from the new Curriculum were possible for children with specific needs, it was clear that the target group for such exemptions were once more those with severe difficulties.

The introduction of LMS appeared to mean that the costs of meeting special educational needs in mainstream schools would eventually have to be met by the schools themselves, either by employing extra staff or buying in support services, although the responsibility of resourcing the needs of statemented pupils would remain with the LEAs. This had serious implications for centrally funded support services. Education Authorities were allowed to hold back a certain amount for some central services including special units, education welfare and psychological services, but the amount was to be reduced gradually until 1993. Support services had a low priority for retention centrally. It appeared that they would either have to be funded by schools through LMS or disbanded altogether.

The new legislation allowed individual schools to 'opt-out' of LEA control and acquire 'grant maintained status' receiving their funding directly from the government, usually at a higher level than their LEA counterparts. In these cases the LEAs retained their responsibilities for statemented pupils and authority psychologists were still able to assess pupils and attend reviews, but other professionals and support services were originally unable to do so unless they were 'bought-in'. This policy proved to be ill-informed, however, as it later emerged in Northamptonshire that as part of the duty under the 1981 Education Act to take responsibility for monitoring the 'special' educational arrangements of all pupils in the area, whether statemented or not, support services could continue working in the new GM schools without charge.

The principles behind the third new initiative of the Education Reform Act, the National Curriculum had been established in the 'Better Schools' [DES, 1985b] which introduced the concept of agreement about the content and purposes of the curriculum. This document had pointed out that in a large number of cases, teachers' expectations were clouded by an inadequate knowledge and understanding of each individual's aptitudes and difficulties because teaching was so frequently directed towards the middle level of the ability range. The overall result of this was that the most able pupils were undirected while those with special needs were unable to cope. Because schools and LEAs were unable or unwilling to take these ideas on board independently, a National Curriculum was eventually imposed. [Maclure, 1988]

Detailed information about the National Curriculum started to appear in schools in 1989. The Curriculum was presented as folders of Attainment Targets at 10 levels divided into 4 key stages, corresponding with infant, junior, secondary and examination phases. The introductory publication, 'From Policy to Practice', set out the task facing schools. Pupils were to have a broad and balanced curriculum relevant to their individual needs, but it was no longer enough for the curriculum to be *offered* by the school, it had to be taken up by pupils. The curriculum had to promote development in all the main areas of learning and experience that were widely accepted as important. It was also to serve to develop the pupil as an individual member of society and as a future adult member of the community with a range of personal and social opportunities and responsibilities. [National Curriculum Council, 1989a]

There was thought to be enough flexibility within the National Curriculum to deal with children with special educational needs and several ways were suggested of achieving their full involvement in it. Placing the attainment objectives on 10 levels covering the period of compulsory schooling meant that both normal progression over time and differences in ability, performance and maturity could be accommodated. The overlap of levels of attainment and programmes of study between the four key stages meant that pupils would be able to work according to their own abilities and needs at each stage. Avoidance of over-prescription and the capability of teachers to determine their own teaching approaches would also allow for differences, and because each key stage was defined by reference to the age of the

majority of pupils in a class or teaching group, individual pupils would be able to work with a class of older or younger pupils for some or all subjects. [op cit, 8] Statements of special educational needs would, in future, have to specify how the National Curriculum was to apply to individual pupils. The DES made it clear it did not expect an increase in statements as a result of the introduction of the National Curriculum. [DES, 1989a, 1989b]

A second publication from the National Curriculum Council stated that 'Special Educational Needs' were regarded as not just a reflection of a pupil's inherent difficulties but were also related to factors within schools which could prevent or exacerbate some problems. Translating the principles of entitlement and access into daily provision for special needs pupils was thought to begin with existing good practice which was more likely to be advanced when all members of staff were committed to providing a 'broad, balanced, relevant and differentiated curriculum, raising the standards of all children'. It was felt necessary for there to be a school policy on special educational needs constructed by both staff and the wider community, which would include shared responsibility for identifying and assessing individual needs, and for planning and putting into practice schemes of work to meet these needs. [NCC, 1989b, pg 3]

Assessment for the National Curriculum was a form of attainment testing designed to evaluate the performance of the school as well as individual pupils. It was intended that most pupils with special educational needs would take regular SATs (Standard Attainment Tasks) appropriate to their age.



Allowances could be made for individual pupils by extending the time allowed or by varying the mode of presentation or expected response. In the process of giving pupils with special educational needs the opportunity to demonstrate their own level on the statements of attainment, teachers would find it necessary to structure their schemes of work in such a way as to provide a series of intermediate goals and teachers' continuous assessment would play a central role in the National Curriculum assessment for all pupils. [op cit, pg 13]

Exceptions from the National Curriculum were possible for pupils with special educational needs, but the procedures were so complex and the alternative arrangements that had to be put in place so demanding that most schools did not attempt to undertake the task, except in very serious cases which were rare.

Temporary Exceptions from the National Curriculum for up to six months were introduced in Circular 5/89, and outlined further in Circular 15/89. [DES, 1989c, 1989d] Any individual registered pupils including statemented children could be subject to Exceptions from the National Curriculum but not from the general requirement of the 1988 Act for a balanced and broadly based curriculum. There were two types of exception; general and special. General exceptions were designed for those who had arrived from different education systems and needed time to adjust, or who had been away from school for a period, such as a spell in hospital, or who had temporary emotional problems. Special exceptions were for the period when a child was

being assessed under the 1981 Education Act. The Secretary of State only expected this to happen when evidence of a *prima facie* case could be presented. Even then it was not felt that it would always be necessary to make a direction. [DES, 1989c]

Before giving a direction for an exception the head teacher was expected to discuss the matter with parents, teachers, psychologists and others. The direction itself would explain the action being taken, and state whether it was 'special' or 'general'. A general direction needed to make it clear why current circumstances made it inappropriate to continue offering the National Curriculum, how those circumstances were likely to change over the period and how the pupil would cope when the restrictions of the National Curriculum had been lifted. The direction also had to state what aspects were being modified or lifted and what alternative arrangements were being made. Alternative arrangements were expected to be positive. The duration was to be no longer than 6 months and the head was to allow one calendar month between giving the direction and commencing enforcement of it. Although it was possible to renew directions, it was thought that a majority with 'general directions' would resume work on the National Curriculum after 6 months. Extension was possible on two occasions for a further three months. The direction could be revoked at any time and parents had the right to ask for directions to be given, varied, concluded or renewed.

When consulting the LEA about a 'special direction', heads were obliged to give reasons as to why they thought the child had special educational needs

requiring statutory assessment or why amendment of an existing statement was thought necessary. This type of direction ended when a statement was made or amended, and if a statement was not made the head was obliged to make arrangements for the child to resume work on the National Curriculum immediately. 'Special directions' expired in six months and if no action was taken by the LEA the head would have to wait a further month before re-applying. It was expected that Directions would be made in only a very few cases and that no increase in expenditure would result.

Changes brought about by the 1988 Act led to a 1989 update of the Circular dealing with special educational needs and the 1981 Education Act, the first for six years, providing a further snapshot of the system. [DES, 1989e] In this circular LEAs were reminded that they were responsible for all children with SEN, including those without statements, while the schools were reminded that statutory procedures were only available for more severe cases.

Many of the changes in procedures were a result of suggestions from a House of Commons Select Committee Report in 1987 which dealt with representations on special education from a variety of organisations together with complaints and appeals, research projects, and surveys. LEAs were reminded that all pupils should follow the National Curriculum to the maximum extent possible, but that for those not able to do so there were ways in which it could be 'modified'. They were also reminded that the school's ability to make a 'special direction' would not prejudice an assessment under the 1981 Act. LEAs, along with schools and Governing Bodies, were under an

obligation to meet the needs of children without statements and they were urged to publish information on how they would do this within the National Curriculum, [op cit, pg 7]

Schools were reminded that formal assessment applied only to children with severe and complex difficulties. Those with straightforward learning difficulties would not warrant statementing because mainstream schools were the most appropriate place for them and in addition they could now be accommodated within the National Curriculum without difficulty through effective differentiation. Documents from the National Curriculum Council reinforced this view through their references to special needs which usually related to physical and severe difficulties. It was stated that in future it was hoped that the statementing procedure would take no more than six months to complete, [op cit, pg 21] unless exceptions were written into the statement the National Curriculum would apply in its entirety. [op cit, pg 24]

Few special schools had closed as a result of the 1981 Act but many had changed roles. There were now less MLD designated schools or children in this category in them. The Warnock report had suggested that, as integration became the normal response to special educational needs, the number of pupils in special schools would decline. Serious doubts were raised over the effectiveness of smaller MLD schools to deliver an appropriate curriculum. An HMI Report in 1989 examined 36 small special schools which had fewer than 50 children. Four of these were for children with moderate learning difficulties. Strong commitment was found among staff but morale was

affected by uncertainty over their long term existence. Standards of teaching were satisfactory when compared with larger special schools although the development of the curriculum proceeded more slowly than in mainstream schools, and it was becoming increasingly difficult to cope with an increasingly wide range of pupils. Given strong management it was felt that the schools responded well to new initiatives but that there were problems in some curriculum areas especially the teaching of science. Among the positive factors identified were the family atmosphere, parental involvement, provision for individual needs and emotional security. Balanced against this was uncertainty over the future, lack of a career structure for staff, geographical isolation, and the inability to offer a full curriculum, with the result that weak teachers could have a disproportionate effect on the rest of the school. [DES, 1989a]

A 1990 review of special needs by the HMI showed that in many LEAs there were significant shortfalls in statements of policy, detailed planning of the deployment of resources, and the systematic evaluation of the work undertaken. The statutory assessment procedures leading to written statements of children's needs were found to be complex and time consuming with considerable variation across LEAs both in the quality and use of statements, with many documents lacking clarity. Despite the evident weaknesses in practice, however, there were many instances in which statements did succeed in safeguarding children's rights, securing appropriate resources and monitoring progress. [DES, 1990, pg VII]

Psychologists were found to spend 60% of their time on individual assessment and writing psychological advice, 20% on administration and travel and 20% on INSET and direct advice. This was felt to be an appropriate distribution, although the findings did not bear out a view, often expressed by psychologists, that implementation of the 1981 Act had influenced their way of working. There were often tensions in acting as advocates for the child while carrying out LEA policy at the same time. [op cit, pgs 24-26]

The HMI investigated support services in 1990 finding that the work was most effective when it helped schools meet the needs themselves and was based on positive working relationships with agreed aims which were regularly reviewed. [DES, 1991, pgs 1-2] Despite changes brought about by LMS most Authorities wanted to retain their support services, if possible. [op cit, pg 57]

Their report concluded that if children with special educational needs were to have maximum curriculum access, advisory work in the classroom would be necessary for some time. It was thought that a leaner, more expert and adequately resourced advisory team for special educational needs would achieve as much as, or more than, a larger less respected service. LEAs were urged to consider carefully how they could best use support teachers in contributing to and monitoring the implementation of the 1988 Act while encouraging adequate provision for children with special educational needs. [op cit, pgs 72-76]

The Support Services in Northamptonshire came under threat as a result of the need for the LEA to start delegating more funds to schools. An immediate way to undertake this would be by delegating the resources used to enhance support service input through additional teaching support (ATS). This had been increased gradually from 50,000 hours to 96,000 (the equivalent of 43 part-time teachers) between 1987 and 1989. The commitment for integrated placements for statemented pupils now took up 51,000 hours and was gradually increasing, cutting into the resources available for non-statemented pupils. A pilot scheme to transfer the funding to schools was set up in one area, the Borough of Northampton, in September 1989 to divide the allocation between lower schools on the basis of a formula which would take into account performances on the Suffolk Reading Test and the free school meal entitlement of the school. The resulting distribution of hours would be delegated to the schools in the form of one year, fixed term part-time appointments which would, where possible, be added to the contracts of existing part-time staff. [NCC, 1989a]

The long term consequence of this form of delegation would be the transfer of resources used by the support services directly to the schools who would then take on a greater responsibility for meeting the needs of non-statemented pupils with special educational needs, buying in support service expertise as necessary. Experience of other previous functions of the LEA that had been devolved to schools meant that it could not be guaranteed that the schools would buy back the service. It was at this point that LEA Officers began to

communicate directly with schools about special needs issues, rather than through the support services.

In July 1989 schools were reminded of the LEA's policy of commitment towards a 'whole school approach' and the obligation placed on all teachers to ensure that the requirements of the National Curriculum were met. Schools were also provided with a detailed description of Stage 1 of the Assessment Procedure, which many had previously been unable or unwilling to carry out adequately. [NCC, 1989b] By September 1989 pressure on resources was such that requests for statutory assessments were being routinely turned down. [NCC, 1989c]

In early January 1990 schools were reminded of their obligations concerning temporary exceptions, and the strict conditions under which they would be granted, although the overall purpose of the communication seemed to be to stress that such action was not an easy option. [NCC, 1990a] The next month a letter was sent reminding schools of three elements of LEA policy; that they should continue to review special needs provision and progress towards a 'whole school approach', that they needed to have a special needs policy endorsed by their Governors, and that they should all have an SNC. They were also told that ATS teachers should work within mainstream classrooms not through withdrawal and that there was need for breadth, balance, differentiation, continuity and progression in the curriculum to meet the needs of pupils. [NCC, 1990b]



By 1990, it had been agreed that special schools in the County were becoming less effective because of falling rolls. Most were only two-thirds full with wide ranges in age and ability and it was felt that the National Curriculum could not be delivered effectively. A discussion group of senior LEA Officers and psychologists was formed to discuss the matter.

Proposals were put forward in June 1990 which would have resulted in the closure of all special schools dealing with MLD pupils as well as some of those for other categories. [NCC, 1990c] It was proposed that separate senior and junior age special schools would be established for all types of pupil needing segregated placements. Most of the pupils in the new schools would have severe or complex difficulties. In one area in the north of the county (Corby) both the existing special schools, one for severe difficulties and one for moderate difficulties, would be closed and replaced by unit type provision in mainstream schools. All of the remaining MLD children currently segregated in special schools would be placed in mainstream schools either in these new units or as individual statemented placements. At the end of 1991 the LEA had firm plans to establish five designated special provision units in the town and first merge and then close the two existing special schools by July 1993.

Local management of schools resulted in a more closely defined role for LEAs which could now be described as planning, strategic policy formulation and quality assurance, while schools were responsible for day to day management. The existence of central services operating in schools but financed centrally was not compatible with this division of roles. One

possibility considered by the LEA was for the services to 'sell' themselves to schools and, as a result discussions were started, in 1991, to explore ways in which 'customer awareness' could be developed in order to encourage schools to buy them in.

The LEA commissioned a study in 1991 to look into the feasibility of creating trading organisations out of eleven existing services which included Libraries, Teachers' Centres, Advisory Teachers and SENSS. [Coopers and Lybrand Deloitte, 1991] A problem relating to SENSS was that much of the service's work could be seen as fulfilling the LEA's statutory obligations or implementing closely linked policies. If SENSS became independent and self-sufficient and subsequently failed financially the LEA would be failing to meet these statutory obligations and would therefore be under pressure to reinstate it. A way round this would be for the LEA to become the major customer of SENSS, rather than the individual schools. In spite of these difficulties the report concluded that trading would be good for the Service, because it would introduce a clear purchaser/provider distinction while maintaining internal flexibility and at the same time allow it the opportunity to develop new markets. Although these suggestions were never implemented, the services had been given notice that change was inevitable.

The pilot study in Northampton to devolve special needs funds to schools under LMS was evaluated in 1991 and declared successful. It was proposed, therefore, to extend the scheme to the whole of the County by April 1992. Details of the likely level of funding was distributed to all schools in

November 1991, calculated on the basis of free school meals entitlement. Each school was able to see how much every other school would be allocated, and many head teachers felt that the amount they were to receive was at an inappropriate level for them to meet their special needs or to compensate them for the corresponding loss of SENSS ATS hours. As a result, the LEA wrote to schools explaining that they had 'perceived' a general feeling that heads wished this budget to remain with SENSS and still be allocated according to need.

The funding available for ATS support was reduced by 20% for the 1992-3 academic year leading to an increase in requests for statutory assessment as schools attempted to compensate by attracting resources by alternative methods. This resulted in increased demands on the psychological service who responded by informing schools that for the foreseeable future they would only be able to carry out statutory work related to assessment and review and would cease all advisory work not associated directly with the 1981 Act. The LEA then started to turn down requests for Act assessments unless placement in a special school was a probable outcome, referring schools to SENSS on refusal. SENSS had no more available resources, even for short term placements and could therefore only offer advice.

### *Summary*

This period witnessed the implementation of many of the Warnock recommendations not covered by legislation through positive policies

developed by LEAs. The most important of these for children with learning difficulties was the introduction of support services. While fulfilling a vital function in supporting the work of mainstream schools, however, subsequent wide-ranging educational reform put their continued existence in doubt as LEAs were forced to delegate more money directly to schools. More integrated statemented placements were being made as MLD schools were reduced further in size or were adapted to other purposes.

With the development of support services, LEAs took on the role of active policy development independently for the first time since the 1890s. There was very little interaction or even interest from central government in these initiatives, although HMI took on the role of monitoring working practices and reporting on their limitations and advantages. The lack of guidelines or a framework from the DES meant, however, that these services developed in a diverse and idiosyncratic way.

Significant changes took place in categorisation as the MLD label failed to become synonymous with ESN(M) and began to disappear from use as those entitled to statements were dealt with through more extreme terminology. The increasing number of statemented MLD children being placed in mainstream schools meant that the distinction between mild and moderate difficulties was beginning to disappear and to be seen as less likely to be regarded as being in the 2% to which statutory processes would apply. The reduction in the use of psychometric tests by psychologists made it more difficult to decide who should have a statement as objective criteria were not

available. This meant that the decision to assess or make a statement, could be influenced by such factors as the pressure exerted by parents or the referring school, or the quality of advice submitted to the LEA, although the evidence provided by the educational psychologist was the key evidence and was usually written in such a way that certain phrases signalled to the LEA whether or not a statements should be issued.

Support services fulfilled a vital role that was essential if the Warnock principle of meeting the needs of a wider range of pupils was ever to be attained. It was apparent, however, that pressures of reform aside, support would be required for a considerable time.

Policy development in Northamptonshire continued to be well thought out and effective with the support services fulfilling a variety of roles which were becoming more and more complicated in the light of educational reforms.

The most significant contribution by LEAs in this period was clearly their attempts to help mainstream schools deal with a broader range of pupils through the use of support services. As a result of limited guidance from central government, which amounted to little more than a vague duty to take responsibility for all children with special educational needs and the 1978 framework of the Warnock Report, services developed in a variety of ways. Nevertheless, this represented a significant step forward in meeting needs. The main constraints, effectively limiting what had been a significant initiative by the authorities, were the extensive educational reforms which

started in the 1980s, forcing authorities to evaluate the way they organised and funded support services.

Two major differences in this period were the change in parental expectations for mainstream placements instead of special school places, and the related realisation that more could be done for pupils with special educational needs in ordinary schools. The introduction of support services to help mainstream schools meet the needs of a wider range of pupils, firmly established the neighbourhood school as the most appropriate place in which to meet special educational needs.

## Chapter 8

### Reorganisation, Legislation and the Code of Practice

#### The 1990s

*The reform of special needs legislation set against the reform of education as a whole. The House of Commons Select Committee, 1993 and the Code of Practice.*

This final chapter provides an account of the changes to the way children with special needs are dealt with in the 1990s, up to the present day as a result of the 1988 legislation, further legislation, and the dominance of the Audit Commission in influencing national policy for special educational needs. LEAs have had to completely rethink their own policies, completely restructuring their support services as a result. An account is also given of the development of the special needs policy in Northamptonshire, which both embraced and anticipated these reforms to provide an example of good practice at a difficult time for both education authorities and children with special educational needs.

As Northamptonshire began to experience difficulties in the implementation of their special needs policies because of the pace of educational reform, the picture nationally was one of close scrutiny of special needs provision, especially the statementing process. In 1992 the HMI and the Audit Commission began to look critically at the way the 1981 Education Act was

being implemented, accepting that further legislation might be necessary to improve effectiveness.

The 1981 legislation had been thought by many to herald the end of special schools in the form they took at the time of the Warnock Report. Progress towards integration had been slow, however. The CSIE had continued to monitor the process, reporting in May 1992 that there had been an 8% move away from special schools but that the number of primary age children in them had actually risen in the previous three years. [TES, 1992]

Direct communication by central government with parents was instigated as part of the 'Citizens' Charter' initiative, which was intended to increase the accountability of public services. The DES contribution to the Charter programme relating to special educational needs was issued early in 1992. It was in the form of a booklet available to parents from schools or direct from the DES in a range of languages. It made claims about the rights of children with special needs in simplistic terms, which although accurate in terms of the legislation, were unlikely to be implemented by LEAs in the way suggested in the early part of the document which created the impression that whatever the child needed would be made available. Embedded in the booklet at the same time, however, were statements that confirmed that most children with special educational needs would not require the arrangements that were described in detail. [DES, 1992a]



The document carefully and clearly explained the process of the 1981 Act, describing LEAs' statutory responsibilities and the action that could reasonably be expected before statutory assessment commenced. It was also claimed, optimistically, that all schools could provide extra help for children with learning difficulties through activities such as specially designed learning programmes, assistance from an extra teacher or helper in the classroom, or through individual or small group instruction away from the classroom. These steps, it was claimed, would ensure that each child got the appropriate help and that only a small number would warrant more formal assessment arrangements or statements. There was no indication of the level of difficulty or need that would warrant such an action, however.

This Charter booklet reflected an increasing desire by central government to keep parents involved in the decision-making process. LEAs were also now obliged to establish a partnership with parents in meeting special needs as a result of the Children Act, 1989. [NCC, 1992j]

Further concerns about the 1981 Education Act were expressed in a report by the 'Audit Commission for LEAs and the National Health Service', an independent body established under the Local Government Finance Act, 1992, and the Community Care Act, 1990, with duties to appoint auditors to all local and health authorities to help them to bring about improvements in economy, efficiency and effectiveness directly through the audit process and 'value for money' studies. The Commission analysed provision under the Act in 12 LEAs examining 77 schools, (50 LEA mainstream, 21 special, and 6

grant-maintained). A further 12 LEAs were visited, 1200 statements were examined in detail and meetings were held with voluntary groups and parents. [DES, 1992b]

The review concluded that although much had been achieved in meeting special educational needs, there were still serious deficiencies in a system spending £1.5 billion a year that had little consistency in either deciding who needed help, or what the effects were upon those who received it. The Commission found that, in general, schools were encouraged by their LEAs to deal with special needs for themselves, with a small percentage of the school population (2.1%, 168,000 pupils), needing statemented support above that level. Of those with statements, 38% were now in mainstream schools. [DES, 1992c]

The main limitation of the existing legislation was felt to be uncertainty about when statutory assessment and statementing should apply, reflected by wide variations between LEAs where the statemented proportion ranged from 0.8% to 3.3%. The situation was further complicated, it was felt, by the failure of LEAs to adequately define the responsibility of mainstream schools.

Statements of special educational needs were severely criticised. They were taking up to three years to produce, with outcomes devalued through the use of outdated information and written in such vague terms that they failed to either guarantee provision or protect resources. [op cit, pg 2]

The 'Spirit' of the 1981 Act had, nevertheless, been followed by most LEAs with some pupils integrated into mainstream schools, but a demand for special schools remained. Some LEAs were cautious in their delegation of funds directly to schools in order to meet pupil's special needs, preferring to use their own directly funded staff in central support services, either because schools did not yet possess the necessary skills or because adequate methods of accountability for special needs had not been developed. [op cit, pg 5]

The Commission recommended that the DES should take the following action; [op cit, pg 11]

- issue guidance on the level of need that would trigger statutory procedures,
- define schools' responsibilities towards pupils with special educational needs,
- increase the rights of parents on the choice of schools,
- provide financial incentives for LEAs to fully implement the Act such as grants where good practice could be demonstrated,
- change statements, giving more attention to objectives and the school's responsibilities,
- introduce statutory time limits for the completion of assessments and statements with redress by parents,
- demand better LEA performance with statutory reviews,
- make a clear distinction between the role of purchaser (LEA) and provider (school) with greater delegation to schools in return for greater accountability,

- enable continued increases in mainstream schools' abilities to provide for special educational needs,
- request LEAs to consider a relocation of finances from special to ordinary schools,
- carry out a review of schools' use of additional support.

It is ironic that such far reaching suggestions as these should be made by an organisation not directly involved in promoting special needs education, or indeed any form of education. In the press release provided on the publication of the Report, [DES, 1992a] the Director of the Audit Commission, stated that;

*'The principles of the 1981 Act have proved robust, but the procedures for implementing them have fallen into disrepair. Until central government produces criteria to identify which children need extra help and puts into place more rigorous systems to ensure that existing resources are being used effectively, it will not be possible to judge the adequacy of local or national responses in this area'.*

Information on central government's intentions to update the 1981 Act in response to the Audit Commission's conclusions came in a consultation paper 'Choice and Diversity', published in the Summer, 1992. [DFE, 1992d] It was intended to further extend the rights of parents and make the education system more responsive to their views on special education and the 1981 Act. It was proposed to extend the Act along the lines suggested by the Audit Commission, giving parents more rights over the choice of schools, making statutory reductions in the time taken for the completion of statutory

assessment, extending and making coherent parents' rights of appeal, and establishing regional tribunals to replace both the existing appeals committees and appeals directly to the Secretary of State. It was also intended to issue further guidelines to LEAs on criteria for statementing.

The current system of appeals under Sections 8 and 9 of the 1981 Act were no longer considered adequate. The most parents could hope for from these procedures was a directive to an LEA to reconsider a decision, not change it, although, in this case, parents could still appeal under Sections 68 and 99 of the 1944 Education Act if it was thought that the LEA were being 'unreasonable'. Section 6 of the 1980 Act had established the principle of parental choice, and although this had usually been extended to special schools and the choice of mainstream schools for children with statements, there was no statutory obligation on LEAs to comply with such choices. It was intended that future legislation would regularise this situation, as long as agreement could be reached between LEAs and Governing Bodies that placement would be appropriate. Governors would then be under an obligation to admit pupils and make the appropriate provision while the parents would be expected to ensure their child attended the school of their choice. The regional tribunals would be able to deal with questions of professional judgement and opinion and refusal by LEAs to make provision after an assessment had been completed and the form of provision described on a statement. The tribunal would be able to uphold or dismiss appeals or request reconsideration by the LEA.

This document also described the government's next round of educational reforms to encourage schools to opt out of LEA control. New non-elected funding agencies would be established in areas where opted out schools contained more than 25% of the school population. These new agencies would exist side by side with the LEAs until the proportion in GM schools passed 75%, at which point they would take over entirely, posing a serious threat to the continued existence of LEAs. [NASEN, 1992].

Despite increasing alarm at the directives and developments demanded from central government, Northamptonshire LEA continued to develop its overall special needs policy which involved the extension of LMS to special schools and the delegated allocation of funds to support both statemented and non-statemented pupils with special educational needs through a system of formula funding that would have to be approved by the Department for Education, (DFE) which replaced the DES in April, 1993. It was also intended to retain a central service of some kind to continue to support schools in meeting needs.

In February 1992 the LEA's schools were informed that all special schools would be formula funded by April 1994 and that central government required them to produce a clear statement of provision for special educational needs which would describe processes and include such information as the way statemented and non statemented needs were identified, the number and size of special schools and units it would maintain, the role of primary and secondary schools in meeting needs, the arrangements for managing central

services and how they would consult and relate to other services, together with a description of the arrangements for monitoring provision and ensuring that statemented children received appropriate resources. [NCC, 1992a]

In working out the details for the formulation of LMSS (Local Management of Special Schools), the LEA took into account the results of a feasibility study by Touche Ross Management Consultants, commissioned by the DES, which concluded that the pupil led formula used in mainstream schools should not be used in special schools but should be replaced by a scheme that funded places, so that a similar level of support should be available to pupils who were educated in mainstream schools. The implication of this was that special schools financed under this scheme would have to be of a sufficient size to generate an adequate budget.

To ease the introduction of this scheme as part of the overall reorganisation of special needs provision and support being undertaken by the LEA, all pupils in Northamptonshire were to be classified on a six band model which formed a continuum of special needs from marginal to complex. In future all pupils with special educational needs would be classified on this model either through statutory assessment or through the matching of 'descriptors' of difficulties, needs and the appropriate provision for each band. [NCC, 1992b]

The classification was as follows;

*Band 1            Marginal difficulties*

*Band 2            Mild or minor difficulties*

- Band 3      Sensory or physical difficulties (not learning difficulties)*
- Band 4      Significant difficulties (requiring a modified curriculum)*
- Band 5      Severe difficulties (requiring a developmental curriculum)*
- Band 6      Multiple difficulties (requiring an alternative curriculum)*

Discrete categories, including visually impaired, hearing impaired and MLD, for instance, were no longer needed, although in practice the classification remained through the use of descriptors. Bands 1 and 2 referred to pupils who would normally be dealt with in mainstream schools either from the schools own resources (Band 1) or with the help of support services or specially delegated funds (Band 2). These pupils would not be statemented. Bands 3 to 6 applied to pupils with statements, although Band 3 classified pupils who would not necessarily need extra provision for learning difficulties. The descriptors in this Band referred almost exclusively to physical difficulties. Once this classification was complete it was proposed to fund pupils or places differently at each band. The important point in this structure was that classification and description was based on the arrangements needed to meet the needs of pupils not on the difficulty being experienced. Children with moderate difficulties that required a statement would be allocated to Band 4, which attracted sufficient resources for four hours individual teaching per week.

Northamptonshire intended to delegate £1.6 million to mainstream schools for dealing with the needs of non-statemented pupils in Bands 1 and 2 to replace the ATS budgets administered by SENSS. Two educational



psychologists were seconded to prepare a suitable scheme which could meet with DES approval. *The Times Educational Supplement* reported that the Department were reasonably happy about such arrangements as long as schools were safeguarded by external moderation and an appeals procedure. [TES, 1992]

Northamptonshire's LMSS scheme was incorporated into the original LMS scheme and was ready for the consultation phase in September 1992. [NCC, 1992d] The scheme was known as LMSEN (Local Management of Special Educational Needs) and involved changes to the 'Age Weighted Pupil Unit' (AWPU) the factor used to fund each pupil in mainstream schools under the previous scheme. This was to be replaced by a SNAWPU (special needs and age weighted pupil unit), a factor weighted for both age and special needs.

The LEA incorporated a number of strands of their special needs policy into this scheme, which included funding elements for both statemented and non-statemented pupils with special needs, assigning them to bands through the descriptors. This meant that children of the same age and same special need would be funded at the same level wherever they were educated, although both special schools and DSPs (designated special provision units), would, as suggested by Touche Ross, be funded on the basis of available places rather than the number of pupils in attendance.

The LEA would retain a responsibility for children in all six bands in all maintained schools in the county including those which were grant-

maintained. Pupils assigned to Bands 3 to 6 would have been assessed under the statutory process and would receive protected resources through statements. In order to facilitate allocation of funds to Band 1 and Band 2 and to carry out its statutory duties in relation to non-statemented pupils, the LEA decided to carry out an annual 'Audit of Special Educational Arrangements'. Band 1 pupils would only attract a weighting of 1.0 although extra funding would be available if a large proportion of Band 1 arrangements were made in individual schools. Band 2 pupils would receive a weighting above 1.0 to be decided once information from the audit had been evaluated and the total amount available for funding had been decided.

The Audit was launched in the Autumn Term 1992. It required schools to assign pupils to Bands 1 and 2 by applying descriptors and fulfilling a range of other conditions, relating to programme planning, monitoring, review and resource commitment. The LEA distributed £3 million direct to schools on the basis of this data, instead of using the free school meals entitlement that had been used in the pilot study in Northampton. In consultation with SENSS, schools had to demonstrate that the arrangements required by the descriptors had been carried out, that progress had been evaluated and that records were available to show that this had been done.

The psychologists responsible for developing the audit had designed Special Needs Action Records (SNARs), to record this information. In order for a pupil to be assigned to Band 2, (with the possibility of specific additional funding being allocated if second level moderation had been successful), Band 1

arrangements had first to have been tried, recorded and evaluated. A minimum amount of support time had to be allocated and protected, and the SNC and a representative of SENSS had to sign an individual programme (SNAR 3) declaring that these conditions had been fulfilled. The use of SNARs, once established, continued throughout the year and were reviewed at least termly. The audit of special educational arrangements represented a snapshot of the situation at one specific point.

This snapshot, or audit, was provided by filling in a form identifying all children on Band 1 and 2 and the arrangements made for them. Objective measures of attainment such as standardised reading or spelling tests, were applied and noted for all Band 2 pupils prior to submission of a summary sheet signed by the head teacher, SNC and support teacher. These were transferred to a computer database, before being moderated through the use of the objective measures, where each child in the county was compared with every other so that the available resources were allocated to those with the greatest need. The information produced enabled the funds to be allocated to schools and included in their budget for 1993-94. The audit data also enabled the LEA to monitor what was happening with non-statemented pupils in mainstream schools, and allowed the allocation of SENSS funding directly to schools on the same basis. Every school in the County including those which were grant-maintained, submitted data. [NCC, 1992d]

An important step towards improving the speed and efficiency of the 1981 Act was the establishment of Special Needs Action Panels (SNAPs), to help Area

Education Officers carry out their responsibilities for statutory assessment and statementing, by evaluating requests and making recommendations on appropriate action. These panels advised on a number of issues, which included, the appropriateness of statutory assessment, whether or not statements should be made as a result of those assessments, the nature of provision and resourcing levels, and amendments to existing statements. Membership was designed to represent all interested parties. The panels met fortnightly and were made up of the Area Education Officer, an educational psychologist, a health authority representative, a mainstream head teacher, and a special school head teacher. The Education Officer retained the right to ignore or modify the advice offered, although in practice this rarely happened. [NCC, 1992e]

As a result of undertaking the audit of special educational arrangements, mainstream schools had now started to describe efficiently, a range of non-statemented pupils who were failing to make progress under Band 2 arrangements and who were therefore suitable candidates for statementing. This led to a legitimate increase in demands for statutory assessment with the result that the LEA 'streamlined' the process further [NCC, 1992f] by instructing schools to cease applying for and submitting the existing referral form (PFC1). Instead they had to prepare a report under headings supplied by the authority and send it, together with one from the appropriate support service, and a copy of the current programme to be presented to SNAP. If the application for assessment under the Act was successful this information

would then be used as the educational advice for the statutory part of the process.

The LEA's stated intention in this action had been to reduce paperwork for schools, but what they achieved was to make sure that schools did not make unjustified requests for assessment by making them prepare a detailed report entailing considerable effort, which would be wasted if statutory assessment did not follow. Furthermore, this ensured that Band 1 and Band 2 arrangements had been made and evaluated adequately, as these were the main grounds for turning down such requests. The most important consequence, however, was that the process could be halted before it became statutory, and therefore subject to appeal, on the basis of a report which would eventually become part of the statutory evidence if assessment and statementing went ahead.

By November 1992 the LEA felt that they had a good enough understanding of future DFE requirements to warrant the publication of a new draft special needs policy statement and to begin the process of reorganisation necessary to implement it effectively. [NCC, 1992h] The LEA stated that their new policy had been constructed in such a way that it illustrated a commitment to high quality provision, open and explicit rules, and accountability to parents and schools.

Reorganisation was intended to achieve increased delegation to schools, increased emphasis on statutory responsibilities with regard to assessment

with the LEA acting as the 'Champion of Children with Special Needs', faster Act assessment, and an increased monitoring role for the LEA. [NCC, 1992g] ..

The LEA also attempted to speed up the time it took for statements to be processed. In January 1993 schools were informed that the following minimum target times would be introduced and monitored.

<i>Decision on whether or not to proceed with assessment</i>	<i>3 weeks</i>
<i>Letter to parents</i>	<i>3 days</i>
<i>Parental consideration</i>	<i>29 days</i>
<i>Medical Officer and Educational Psychologist to advise</i>	<i>10 weeks</i>
<i>Time from receipt of evidence to draft statement</i>	<i>4 weeks</i>
<i>Margin for delay</i>	<i>3 weeks</i>
<i>Total time : 20 weeks</i>	

This timescale could be extended by 6 weeks if the summer holiday fell within the monitored time, so that most statements would take up to six months to complete. The time allowed for the school to submit a report from receipt of the relevant forms (which would be sent within 3 days) was four weeks. This time would not be monitored or included in the time allowed for the statutory elements. [NCC, 1993e]

A second policy statement dealing exclusively with the 'Organisation and Availability of Central Services' [NCC,1993d] was published in January 1993, in which the LEA stated that, while delegating an increasing proportion of resources, it had to retain sufficient means to discharge its statutory

responsibilities. It was proposed therefore to restructure the existing five support services and the Psychological Service into one organisation in four area teams with a single head of service. The role of the new service would be to support schools in their responsibilities to identify and assess special educational needs, undertake more specialised assessments, demonstrate teaching methods, plan interventions, monitor the progress of statemented pupils and assist in the requirements of the audit.

The new service was to be known as The Support, Teaching and Educational Psychology Service (STEPS). The new support teams offered a wide range of additional services, responding to schools' needs, including assistance in developing special needs policies, skill sharing, help in undertaking specialist assessments, and in planning, monitoring and evaluating interventions. [NCC, 1993a] The service was available to all pupils in all LEA and grant maintained schools, with the overall aim of reducing statements through early intervention, by placing a greater focus on stage 3 arrangements. Regular visits to all schools were guaranteed. [NCC, 1993b]

STEPS was established at a time when new legislation dealing with statements, replacing the 1981 Education Act, was being considered by Parliament. This new legislation would establish the tribunals to deal with appeals and require the DFE to publish a Code of Practice to assist LEAs and schools to meet special educational needs at all levels. Before this legislation reached the statute books, however, a Report was published on statementing

by a Commons Select Committee. While impotent in terms of its recommendations, it provided a 'snapshot' of the system in the early 1990s.

The House of Commons Education Select Committee made a limited study of the way statements worked, eliciting answers to nine questions about statementing and special needs from individuals, vested interest groups, Education Authorities and their umbrella organisations, and those with arguably the most influence in the current climate; officials of the Education Department, OFSTED (the Office for Standards in Education, that had partially replaced Her Majesty's Inspectorate in April 1993) and the Audit Commission; in order to find out if statementing was still a viable system for allocating resources. The Committee also intended to discover the level of special needs that should trigger the statutory process, the level of need mainstream schools should be able to cope with and the purpose of support services.

The Select Committee started their examination of witnesses on 18 November 1992 and completed the task with representatives of the Department for Education on 5 May 1993. Three views were expressed very strongly by many witnesses;

- the better schools were resourced the smaller the number of special needs that would arise;
- the more effective the provision made by mainstream schools the smaller the number of pupils that would need statutory assessment;



- the more effective the psychological support service the smaller the number of pupils that would require statements. [House of Commons Select Committee, 1993a, Volume 1, pg 7]

The emphasis in the early interviews by the Committee seemed to be related to the familiar purpose of discrediting current practice and finding alternatives, although this later changed. The first witness to be examined was Baroness Warnock who had recently been reported in the *Observer* newspaper [1993] as saying that statementing was no longer appropriate.

Warnock clarified the context within which the idea of statements had been created. Her Committee of Enquiry had started its meetings in 1974, shortly after the implementation of the 1970 Education Act which had swept away the category of 'ineducable' children, entitling them to an appropriate education. It was to guarantee provision for this group of individuals, who were still considered vulnerable, that the process of 'recording' had originally been developed. The Committee of Inquiry had thought this process would only apply to the most severe 2% of cases who would remain in special schools. Warnock had nevertheless initially been satisfied with the 1981 legislation, accounting for what she saw as its shortcomings by vagueness in the Report and her own 'naive expectation' that appropriate funding would be made available. [House of Commons, 1993b, Evidence of Warnock, paras 1-5]

The disquiet about statementing that had prompted the newspaper article had resulted from her concerns that statements had become resource-led,

with LEAs writing into statements only what they thought they could afford rather than what was needed by individual children. [op cit, para 5]

The protection offered by statements over the previous ten years had extended beyond the original 2% in many areas of the country. The main reason for this increase had been the climate, generated by the Warnock Report, which established first the principle and then, to an extent, the practice of integration. The wording of the Act itself and subsequent guidance from the DES and its successor the Department for Education, including the Parent's Charter, had continued to raise parental expectations to an unrealistic level. During the Select Committee examination, Lady Olga Maitland asked Warnock if she thought too much faith had been placed in integration following the publication of the Report. Her reply was surprising.

*'Our Report was widely interpreted as being in favour of total integration but that was really a mistake because what we were saying was that there were in ordinary mainstream schools up to 18%, a large number, who were already there in school who had special educational needs. When it came to the 2% I do not think we really ever thought that all those children would be integrated or should be. The trouble is that integration has become a religion and the adherents to that religion are not prepared to do anything that goes against their gospel.'* [op cit, para 45]

Very few witnesses echoed Warnock's demand that the statementing process should disappear, however. Representatives of OFSTED summarised the theme of many witnesses by saying that it would be a pity to discard the principles of the 1981 Act which had embraced individual assessment, guaranteed help, provided special education in mainstream schools, taken account of parental views and had been reviewed regularly. [op cit, Evidence of OFSTED, para 64]

A number of constructive suggestions were made for improving the statutory process. Leeds LEA, for instance, were considering a system for preparing statements which would not specify in detail the provision needed to meet individual needs, instead identifying outcomes to be achieved in a specific period. [op cit, Evidence of Leeds LEA, pg 165] A similar suggestion came from the Association of Metropolitan Authorities (AMA) who wished to see this type of arrangement in the form of a contract between the LEA, the parent and the school. [op cit, Evidence of AMA, pg 99]

It was apparent that there were no easy alternatives to statementing, although significant changes were clearly needed in the organisation and execution of the process. This would take place partly through the 1993 Education Act, which would replace the 1981 legislation, and partly through directives from the Department for Education. The Audit Commission were against abandoning the Act because so much had already been achieved, almost everybody valued its principles, and there was evidence of successful implementation. In their view it was the operation of it that was going wrong.

[op cit, Evidence of Audit Commission, pg 119] The Select Committee accepted the retention of statementing but felt that in future it should be strictly limited to the 2% of pupils with the most severe and complex difficulties. [House of Commons Select Committee, 1993a, pg 23]

The Committee expected the DFE to redefine the purpose of the statement and clarify the responsibilities of the LEA in specifying objectives and targets. LEAs would also be expected to make statements clear, so that they could be readily understood by parents, and to significantly reduce delays. [op cit, pg 17]

Almost all witnesses felt that LEA support services should remain and be centrally funded. Delegation of funds followed by 'buying in' was thought to be inappropriate because budget concerns within schools might result in the withdrawal of funds for special needs as governing bodies were only obliged to use their 'best endeavours' to meet special educational needs. [op cit, Memorandum Society of Education Officers, pg 155] The long term implications for support services remained unclear, however, with the Committee suggesting that support for non-normative categories of need, such as hearing, visual, physical, and the severe and complex, should be guaranteed, [House of Commons Select Committee, 1993a, pg 15] while the DFE expected mainstream heads and SNCs to gain the necessary expertise, allowing central services to deal only with statemented pupils and for voluntary bodies, such as the RNIB (Royal National Institute for the Blind),

to take over the support role. [House of Commons Select Committee, 1993b, Evidence of DFE, pg 195]

Evidence from the DFE included a great deal of information about the proposed legislation. Under this new Act, LEAs would retain the responsibility for making assessments, statements and provision for the '2%' of pupils, with mainstream schools becoming responsible for formulating special needs policies for all children with special educational needs, reviewing it annually and reporting to parents at public meetings. [op cit, Evidence of DFE, para 568]

The main impact of the Act was expected to be in improved provision for non-statemented pupils with special educational needs. [op cit, para 596] This would be achieved by a 'Code of Practice' that would be established under the Act, linking together the responsibilities of schools and LEAs. Both would be duty bound to follow it. [op cit, paras 569, 602] Its purpose would be to describe the best current practice and promote greater consistency on judgements of when to assess and make statements. It would also assign responsibility for identifying and assessing special needs, improve the management of existing resources, and ensure better provision for children with special educational needs. The Code would not impose duties but would offer practical guidance constructed around the five stages of assessment identified in the Warnock Report. [op cit, para 578]

The Code was intended to be a genuine document of concerns, resulting from a period of formal and informal consultation before being laid before Parliament. [op cit, para 600] It was intended that the Code should be effective by September 1994. [op cit, para 601]

The Code, embodied as it was in legislation, was potentially the most important document on special needs to be issued by central government. The Select Committee felt it should address a range of specific issues which would include; registration of needs, allocation of resources, statements, and the rights of and relationships with parents. As many witnesses had requested guidance on these and other aspects related to special needs [House of Commons Select Committee, 1993a, para 10] the Committee considered it important that the Code should establish guidelines and criteria to assist schools and LEAs determine the level of need at which statutory processes should be initiated and statements granted, [op cit, para 16] with further guidance to mainstream schools on the nature and degree of special educational needs that they should be able to cope with without recourse to statutory procedures. [op cit, para 21]

The Select Committee expected the Code to exemplify the best practice, assign responsibilities and improve the management of existing resources. The DFE informed the Committee that there would be no resource implications as a result of the implementation of the Code. [op cit, para 57]

The importance of provision for non-statemented pupils with special educational needs was again stressed by the recommendation that schools should undertake an educational audit to register the nature and extent of needs, [op cit, para 13] and accordingly, the initiatives in Northamptonshire and Kent were put forward as constructive approaches to what was required. The annual audit, it was suggested, could also be used to determine the level of need within schools which would, in turn, be used as the basis for requests for statutory assessment. [op cit, para 15]

The Committee were unhappy about the proposals for monitoring the way special needs were being met in mainstream schools. The DFE had suggested that the proposed four-yearly inspections by OFSTED, which would include investigations into schools' preparation and implementation of special needs policy and adherence to the Code, along with annual reports to parents and the complaints procedures, would be sufficient. The Committee felt, however, that the DFE should go further, making sure that resources allocated for special needs were being used for that purpose. [op cit, para 57] Further monitoring and accountability was also suggested by the Secretary of State, who said that support services would be monitored as part of the OFSTED inspection. [House of Commons Select Committee, 1993b, Appendix 15, pg 226] This would allow such services to operate a dual role of support and continuous monitoring. In addition the DFE were urged to provide guidelines about the staffing and function of Support Services and how they would be managed and financed. [House of Commons Select Committee, 1993a, para 23]

The 1981 Education Act was replaced by Part III of the 1993 legislation, with effect from September 1994. The definitions of need and provision remained the same.

*A child has special educational needs if he has a 'learning difficulty' which calls for special educational provision to be made.*

*For the purposes of the Act, subject to sub-section 3, a child has a 'learning difficulty' if,*

- a) he has significantly greater difficulty in learning than the majority of children of his age;*
- b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in schools within the area of the LEA, or*
- c) he is under 5 and is, or would be if special educational provision were not made, likely to fall within a) or b) when over that age. [Education Act, 1993 156(2)].*

Special educational provision was defined as 'provision additional to, or different from, provision made generally in schools other than special schools'. [op cit, 156(3)] Under the age of 2 any educational provision was defined as 'special', and a 'child' was anyone under the age of 19, registered at school.

The Code of Practice was given legal status in Section 157 where it was defined as '*practical guidance* in respect of the discharge of functions by LEAs and governing bodies of this part of the Act' [op cit, 157(1)] It became the duty



of LEAs, governing bodies and 'other persons' to '*have regard to the provisions of the code*'. Tribunals were to take the Code into account in the question of appeals.

Governing bodies were required to use their best endeavours to;

- secure that if any registered pupils had special educational needs, the special educational provision which the learning difficulty called for was made;
- secure that where the responsible person has been informed by the LEA that a registered pupil had special educational needs, those needs were made known to all those who were likely to teach him, and secure that the teachers in the school were aware of the importance of identifying and providing for those registered pupils who had special educational needs. [op cit, 161(1)]

Governing bodies were also given the duty to report annually on special needs to parents. [op cit, 159]

The issue of integration was raised through a section which required any person exercising functions under the Act in respect of a child with special educational needs to;

'secure that if conditions following are satisfied, he is educated in a school which is not a special school unless this is incompatible with the wishes of his parent'.

The conditions were, that it was compatible with his receiving the special educational provision which his learning difficulty called for, the provision of

efficient education for children he would be educated with, and the efficient use of resources. [op cit, 160]

A draft of the Code of Practice, which had to be produced as part of the requirements of the legislation, [DFE, 1993] was issued and distributed to LEAs and other interested parties, (but not schools), in October 1993. This document, in contrast to others from central government departments, provided clear indications of what the DFE expected from LEAs and schools. The immediate point stressed in the Code was that most children with special educational needs would be dealt with in mainstream schools without statutory assessment. The importance of early identification and parental views were also stressed with the insistence that the ascertainable views of the child needed to be taken into account. The 2% expectation for the level of statementing was restated alongside the requirement that statements were to be produced within a set time limit.

The approach of the Code was a five stage model that, although similar to the one originally proposed by Warnock, [DES, 1978] involved a range of new responsibilities for professionals dealing with children with special needs. Like Warnock's model, the first three stages were school based, while the remaining two dealt with statutory assessment and statements.

This staged approach was described as 'a continuous and systematic cycle of planning, intervention and review' which proceeded as follows;

- Stage 1: Class teacher gathers information, takes action after consulting SENCO.*
- Stage 2: SENCO takes responsibility, working with the teacher.*
- Stage 3: Teacher and SENCO are supported by external agencies.*
- Stage 4: LEA considers statutory assessment and carries it out if necessary.*
- Stage 5: LEA considers the need for a statement and makes, monitors and reviews it if required. [DFE, 1993 II:9]*

The trigger for Stage 1 was the registration of concern that a child was showing signs of having special educational needs, together with the evidence to support it. The responsibility for the initial identification at this stage would be the class or subject teacher's, who would gather information and then make, monitor and review an individual programme. The role of the Special Needs Coordinator at this stage was to offer advice and support, to check that the programme had been prepared properly, and had notified the head teacher and the parents of what was going on. [op cit, II:39] The type of information required, even at this early stage, included parental views on development, progress, behaviour at home and school, what the parents thought the school should do and what outside agencies they would like involved together with the child's perceptions of their difficulties. [op cit, II:94]

The Individual Educational Programme (IEP) that resulted from the decision to make special arrangements for a child at Stage 1 had to set out curricular

needs which included, priority objectives and criteria for success, non-curricular needs, teaching requirements, and review arrangements which should be carried out within a term. The SENCO took responsibility for organising the review and involving the parents. The review focused on the progress made, with possible outcomes varying from ending support, continuing with stage 1 arrangements or moving on to stage 2. Ending support or changing stages would normally only take place after at least two reviews.

The trigger for moving to stage 2 was a stage 1 review decision, or where (following discussions with parents and teachers) early intervention was considered necessary. [op cit, II:59] The lead at stage 2 would be taken by the SENCO working with the class teacher with a more detailed IEP, but otherwise identical arrangements. The trigger for movement to stage 3 was a stage 2 review or where (following discussion) early identification was thought to be appropriate. The SENCO would consult external specialists at Stage 3, but would otherwise continue with the same procedures. The outcome of review at Stage 3 may be to move to statutory assessment at Stage 4 which could eventually result in a statement at stage 5. [op cit, II:93]

The section on statutory assessment made it clear that such action was expected to be rare, and that, in any case, it would not necessarily lead to a statement. A submission to the LEA to make a request for statutory assessment would require the production of all evidence from stages 1 to 3 including the individual programmes and their reviews. Statutory time limits

on the process were imposed. LEA consideration on whether statutory assessment was appropriate was limited to six weeks, the time allowed to carry out the assessment was 10 weeks, and drafting and finalising the statement had to be completed in 8 weeks.

The critical question for the LEA at this stage would be whether there was evidence that, despite relevant and purposeful actions by the school with the help of external support services the needs remained or had not been remedied sufficiently. The LEA were obliged to look for specific evidence in relation to a child with learning difficulties which included;

- a level significantly below contemporaries in National Curriculum core subjects,
- a level falling progressively behind the majority of children of the same age,
- impaired social interaction or communication,
- significant problems with the child's home,
- significant emotional or behavioural difficulties. [op cit, III,33]

The LEA would then consider the action by the school, asking whether the school had consulted outside specialists; formulated, monitored and regularly evaluated IEPs including structured literacy or numeracy programmes with clear targets, and that the progress was significantly and consistently less than would be expected. They would ensure that the school had sought the views of and involved parents at each stage and provided appropriate access to information technology. [op cit, III:48]

Where the balance of evidence suggested that the child's learning difficulties were either significant and/or complex; had not responded to relevant and purposeful measures taken by the school and external specialists; and might call for special educational provision which could not reasonably be provided within the budget of the mainstream school and/or required the continuing oversight of the authority; the LEA should consider carefully the case for a statutory assessment. The views of an educational psychologist were considered essential at this stage. [op cit, IV:2] If statutory assessment was rejected the LEA would be obliged to tell the parents in writing, giving them reasons and informing them of their rights of appeal. [op cit, IV:19] Educational, medical, psychological and other relevant forms of advice were required at the statutory stage which related to the child's likely future needs. The advice did not have to be exclusive, those giving advice could consult with one another before submission. [op cit, draft regulations]

On completion of the stage 4 assessment the LEA might decide that the child's needs necessitated looking beyond the resources of the school. This did not necessarily mean that the LEA would allocate additional resources, however. The LEA capacity to monitor progress of those children who had statements through the annual review on its own, was considered to be a significant resource. [op cit, IV:19]

In drawing up a statement the LEA were required to follow a set outline as follows;

- |               |  |
|---------------|--|
| <i>Part 1</i> | <i>Introduction</i>                              |
| <i>Part 2</i> | <i>Special Educational Needs</i>                 |
|               | <i>-educational and developmental objectives</i> |

	<i>-provision needed to meet needs; with specific quantified support detailed</i>
	<i>-the arrangements for setting short term educational targets</i>
<i>Part 3</i>	<i>Special Educational Provision</i>
<i>Part 4</i>	<i>Placement</i>
	<i>(left blank in the proposed statement)</i>
<i>Part 5</i>	<i>Non-Educational Needs</i>
<i>Part 6</i>	<i>Non-Educational Provision</i>
<i>Part 7</i>	<i>Other arrangements</i>

*together with , Appendices; advice from the assessment*

The name of the school was left blank in the proposed statement which was sent to parents to enable them to consider and decide upon placement, although guidance would be provided by the LEA in the form of a list of schools where the appropriate provision would be available. The LEA had a duty to comply with the parents' wishes, unless their choice was unsuitable for the child's age, ability, aptitude or special educational needs, or if it was incompatible with the education of other children, or the efficient use of resources.

Parents had to be informed if a statement was not to be given and notified of their right of appeal. In such cases it was suggested that LEAs needed to make parents aware of the resources already available and the fact that the assessment process would have contributed significantly to the knowledge of the child. It was also thought that they would wish to issue a 'note in lieu' setting out the reasons for their conclusions with supporting evidence, a copy of which would be sent to the child's school to assist them in planning future strategies. [op cit, VI:1]

The arrangements for statutory reviews were tightened up considerably with the application of detailed and much clearer guidelines. Rather than a single short meeting, the review became a process of various components with the involvement of the parents and the child of paramount importance. The review would have to focus on what the child had achieved and what difficulties still needed to be resolved. Ceasing to maintain a statement remained a possible outcome of such a review.

The aims of the review were as follows;

- to assess the progress made in meeting the objectives specified in the statement and to collate and record information which the school and other professionals could use in supporting the child;
- to assess progress towards meeting the targets agreed when the statement was made;
- to review the special provision, including the appropriateness of any devices provided, in the context of the National Curriculum and associated assessment and recording arrangements;
- to consider the continuing appropriateness of the statement in the light of the previous year's performance and any additional needs which may have become apparent;
- to set new targets for the coming year. [op cit, V1:22]

The LEA would give at least two months notice to the head teacher that a review was required. The head would then seek written advice from those specified by the authority and anyone else considered appropriate. Before



preparing the review report the head teacher was required to convene a meeting to discuss the content, inviting parents, appropriate teachers and classroom assistants, those specified by the LEA and any other relevant parties, circulating copies of the advice already prepared beforehand.

Following the review meeting, the head teacher would write the review report within two weeks, setting out the new targets and detailing any changes required to the statement. In this case the LEA would put forward proposals for the parents to consider. These proposals could be subject to appeal to the tribunal. [op cit, IV:Regulation 15]

Shortly after the draft Code was circulated, the final Dearing Report on changes to the National Curriculum was published by SCAA (School Curriculum and Assessment Authority) which replaced both SEAC (Schools' Examination and Assessment Council) and the NCC (National Curriculum Council). The Report, which was accepted in full by the government, included a section on special educational needs.

Dearing had found in his discussions with teachers of children with SEN that while they argued that the National Curriculum must be an entitlement for all pupils, some aspects were not serving a minority very well. Non-statemented pupils, for instance, were expected to work on levels beyond their capabilities, and modest progress for less able pupils was not reflected fully in the assessment and recording arrangements. The proposed slimmer National Curriculum, Dearing suggested, would provide the necessary scope

to avoid this in future, key stages would be broadened to include lower levels in each, enabling those without statements to work at the appropriate level. [SCAA, 1993, para 6.1]

The final version of the policy for special educational needs in Northamptonshire in response to Circular 7/91, was published in March 1994. [NCC, 1994a] Attention was drawn to the new legislation, proposed circulars and the Code of Practice. The new policy stated that the main aim was to educate children with special educational needs in mainstream schools wherever possible. [op cit, Preface]

The purpose of the policy statement was to establish a common understanding of special provision in Northamptonshire. This included information on what the LEA considered to be special educational needs, and the responsibilities for meeting those needs, how, where and with what resources. It was also felt important to specify which children within the broad description of 'special need' the authority recognised as as having difficulties significant enough to warrant a statement. [op cit, pgs 1-3]

The rights of parents were extended in accordance with the proposed legislation. Parents would be involved in all stages of special needs assessment with each professional involved in the process seeking parental participation. Informed parental consent should be sought prior to the initiation of a full multi-professional assessment, and they would receive written information on the range of educational provision available and have

their views taken into account. Statements would be reviewed annually with parents, and a representative of the LEA would attend at least 50% of those reviews. Parental preference for provision would be taken into account, but the first principle for all decisions on provision would be the identified needs of the child. Parents would be informed of their right of appeal and encouraged to bring a friend, advocate or interpreter for support at such meetings. The education department would, in addition, provide parents with access to senior officers, not previously involved in cases, where they felt concern about the conduct or outcome of the process. [op cit, pg 5]

With regard to non-statemented pupils, the LEA expected all schools to follow a common set of steps to identify and meet children's needs;

- 1 to know what each child could and could not do in all areas of development including core National Curriculum areas,
- 2 identify factors which may be impeding a child's educational progress,
- 3 maintain adequate whole class records which would be sufficiently detailed to guide planning,
- 4 provide curriculum differentiation in delivery, activities and methods of recording,
- 5 keep more detailed records of pupils whose progress caused concern,
- 6 consult with appropriate support agencies. [op cit, pg 7]

Schools were expected to use a common format for recording detailed evidence of the child's difficulties, (the SNAR) together with summaries of interventions and results. In cases where the child's difficulties were

substantial and the strategies employed were not effective, the school could request an assessment under Section 5 of the current legislation. This had to be made in writing and demonstrate clearly that the child might have special needs which required the LEA to determine provision. The LEA would then look for evidence that the difficulties had been assessed by the school, that time related objectives had been set for areas of concern and progress monitored, that STEPS and other agencies had been consulted, and that the advice received had been acted upon. [op cit, pgs 8-9]

Where a parent made a request for educational assessment and no evidence was available from the child's school that a *prima facie* case existed, an assessment would be made under Section 9 of the 1981 Act by initiating the school based stages of assessment. The LEA would not interpret a parental request to mean that it was required to carry out a full statutory assessment. When statements resulted, pupils would be assigned to one of the bands of learning difficulty which contained specific criteria to detail the type of need and the teaching arrangements required. [op cit, pg 9]

The allocation of funding for special needs was to be achieved through a revised LMS scheme. The principles behind this scheme were as follows;

- a child of the same age and special needs should be funded at the same level, irrespective of where in the County they were educated,
- there should be a set of descriptors of arrangements required to meet particular special needs, each associated with the level of resources on which both planning and funding should be based,

- there should be one integrated LMS scheme, which incorporated the different elements used to provide funding for statemented and non-statemented pupils, mainstream and special schools,
- the funding mechanism for all pupils would be based on a common unit of resource,
- the LEA would determine the number of places it was to fund, in which locations and for which Bands of special needs,
- the global budget for all special and mainstream schools would fluctuate each year with the units of resource weighted for the age and special needs of all pupils, but because funding for special schools and special units would be on a fixed number of places, the number of units of resource would not fluctuate with rolls. [op cit, pg 16]

The annual audit of all children who required special arrangements to meet their educational needs, which had already been piloted, would be undertaken and tests which provided valid and reliable measures of educational need and National Curriculum attainment scores would continue to be collated. A 'school SEN factor' would then be calculated to reflect the incidence of pupils on Band 2 (mild special needs) and an appropriate special needs weighting derived. Funding would be added to the school's budget as a lump sum. The budget allocated in this way had previously been distributed through free school meals, and discretionary additional teaching support by SENSS. The sums allocated would not be attributable to individual identified pupils or 'earmarked', but their use would be regularly and carefully monitored. Funding for statemented pupils would be distributed as

earmarked resources. The level of this funding would be dependent upon the age and band of the pupil with special needs. [op cit, pgs 16-18]

One of the key issues of the policy was the means by which schools could call upon central services and determine the use to be made of them. The 1988 Act's emphasis on maximum delegation of resources and decision-making could sometimes conflict with the LEA's responsibility to make efficient use of resources. Any inadequacy on the part of governing bodies in their management of pupils with non-statemented needs, for instance, could eventually become a cost to the authority. The LEA's ability to identify and assess special needs was strongly influenced, therefore, by its knowledge of, and involvement with, the normal school population. The responsibility to have a coherent special needs policy, to keep it under review, and to monitor the progress of individuals and the quality of provision all required a coordinated strategy, which included appropriate support to schools. The shift of decision making to schools needed to be matched by the retention by the LEA of sufficient means to discharge statutory responsibilities and to ensure the retention of specialist skills. [op cit, pg 21]

In the context of the client-contractor relationship, the LEA proposed to retain sufficient staff in STEPS to meet the requirements and to ensure that the full range of assessment, consultation and advice was available to schools, pupils and parents, and would undertake the following tasks;

- support the school's responsibilities to identify and assess,
- undertake more specialist assessments as requested by schools in consultation with parents,
- plan, demonstrate and evaluate appropriate teaching methods and interventions,
- monitor and review the progress of named pupils both with and without statements,
- assist in the annual audit of special educational arrangements,
- manage and administer procedures under special needs legislation,
- ensure the availability of scarce specialist teaching skills,
- provide professional support to teachers working in designated special provision.

The early involvement of STEPS in the process of identification and assessment would ensure a more efficient and effective response to those pupils requiring statutory assessment. [op cit, pg 21]

The final versions of the Descriptors of special educational arrangements were published in March 1994. The functions of the descriptors were described as follows;

- to show how a child's special needs might affect their work on the National Curriculum,
- to identify what provision should be made by different schools,
- to permit audits of special needs pupils,
- to clarify the decision as to whether a prima facie case for statutory assessment should be made,

- to provide guidance for funding decisions,
- to specify the level of staff expertise and training required to meet pupils' needs adequately,
- to clarify the LEA contribution to a possible out-county placement.

The Descriptors sought to describe the LEA's perception of the most enabling environment for each pupil with special needs. In particular they outlined the range of provision for statemented pupils, the view of how provision should be determined and the conditions under which it could be varied. The LEA wished to enable parents, schools and other interested parties to have a clear understanding of how funding was matched to teaching arrangements. [NCC, 1994b, pg 1]

The implementation of the 1993 Education Act in September 1994 in Northamptonshire was undertaken by STEPS. The service dealt with all matters concerned with special needs, including all casework and administration related to the legislation, the monitoring of provision for both statemented pupils and non-statemented pupils with special educational needs, and the annual audit of special educational arrangements. Four education officers were appointed to act as the liaison between the LEA and the new support service. The planned closure of Corby special schools and the establishment of DSPs (Designated Special Provision) was completed in July 1994.



Procedures were refined again in September 1994, to enable dovetailing with the final version of the Code of Practice [DFE, 1994a], on its implementation along with the special needs legislation in Section III of the 1993 Education Act. Formal requests for statutory assessment generated a blank form from STEPS requesting administrative details and a letter requesting a report under the following headings; general development, social factors, personal strengths, attitude and motivation, attendance and welfare, physical and medical issues, and priority areas of concern together with the last three evaluated stage 3 programmes or a report from STEPS, specific information on National Curriculum attainments, any general observations and records of parental involvement.

A *prima facie* case was considered to exist where there was evidence that stage 3 arrangements had been implemented for a year and continued to be in place, but were proving to be insufficient to meet a child's needs, together with evidence that the evaluation of stage 3 interventions had resulted in amendments to subsequent programmes. Cases were decided by a SNAP panel that now met weekly. The decisions of this panel could result in requests for further information or referral to STEPS personnel before a decision was made. [NCC, 1993c]

It had been realised, as part of the process of improving school's arrangements for stages 1 to 3 that many statemented pupils in mainstream schools were not being monitored effectively by the LEA to ensure that they received an appropriate education. In response to this the LEA extended the

audit principles and introduced a non-statutory SNAR for statemented pupils to be evaluated and updated termly with STEPS support.

The arrangements became effective from the next statutory review, but in order to facilitate speedy implementation for new statements, schools were asked to convene a planning meeting within a month to provide clear objectives from the outset. The psychological advice attached to the statement would form the basis of the first SNAR. [NCC, 1994c] These arrangements were in line with the recommendations of the Commons Select Committee, but not mentioned in the Code of Practice.

Northamptonshire LEA commissioned a 'Value for Money Review' by Price Waterhouse, the management consultants, [1993], which concluded that the LEA had demonstrated many of the Audit Commission's 'best practices' but that there were still a number of areas where improvements could be made. [op cit, para 1.1]

The conclusions had been arrived at by comparing Northamptonshire to the rest of the country. Price Waterhouse found that, nationally, LEAs lacked definition in special educational needs and there were no established thresholds for SEN procedures. The proportion of pupils with statements varied from 0.8% to 3.3% with many taking significantly more than six months to process them. Many statements were so vague that they were failing to guarantee provision. In some cases it was thought that the vagueness had been deliberate in order to avoid giving open-ended financial

commitments. In general, LEAs were cautious in delegating funds to schools for pupils with special educational needs. Instead of ensuring that schools became more accountable, they retained their own centrally funded staff because it was felt they could not be relied upon to use resources for their intended purpose. Despite increases in integrated placements, the money saved in special schools had not been reallocated. Statutory reviews were generally left entirely to the schools themselves. [op cit, para 2.2]

In contrast, Northamptonshire were found to have a well developed system. The proportion of pupils with statements was marginally below the national average at 2.2%. The time taken to process statements varied between 4 and 12 months although this was dependent to an extent on the quality of advice from the educational psychologist. Although STEPS had been retained centrally, significant funds had been re-allocated to mainstream schools. Banding had effectively guided the allocation of resources and the SEN recording structures had assisted schools to meet needs and requirements for increased accountability although this was an area where further work was required to ensure that resources were deployed effectively by schools and pupil progress monitored regularly. The LEA now had 15 special schools and units with 1047 pupils. There were 1,983 statemented pupils in all who accounted for £15 million of the £17 million total expenditure for special educational needs. [op cit, para 1.2]

To avoid projected increases in the number of statemented pupils, it was suggested that STEPS should intervene at an earlier stage. A number of other proposals were made about future policy. These included;

- providing, through STEPS, further guidance to help develop policy;
- formalising existing termly reviews to include both statemented and non-statemented pupils;
- developing performance measures to compare against National Curriculum benchmarks;
- developing and costing alternative strategies to manage the potential growth in statements;
- providing further guidance to educational psychologists on the basis, form and content of psychological advice;
- setting benchmarks, based on national data, to monitor the success of the policy on integration;
- setting minimum performance targets for the support work carried out by STEPS. [op cit, paras 1.3-1.4]

An update report was published by the Audit Commission in November 1994 based on a further 61 value for money audits. [DFE, 1994] The Commission had found that requests for assessments were increasing, and that LEAs urgently needed to define when special needs warranted a statement, otherwise inequalities would persist. Most LEAs were still taking longer than 6 months to make assessments and issue statements, and up to £30 million could be released from special schools with falling rolls for making more effective provision in mainstream schools. LEAs were urged to review their

performance in comparison to the results described in the bulletin. [op cit, pg 1]

The Commission reiterated the view that if the Code of Practice were implemented successfully it would bring about the following benefits;

- clarification of school's and LEA's responsibilities,
- early identification of special needs and improved record-keeping,
- clear objectives for pupils with special needs,
- better targeting of resources,
- improved information for parents,
- assessment of school's effectiveness,
- assurance of the commitment of Governing Bodies,
- improved efficiency of making assessments and issuing statements. [op cit, pg 9]

The local audits undertaken by the Commission had discovered the following continuing weaknesses;

- most LEAs had revised their policies but they were lengthy, poorly focused with little or no reference to aims and objectives or performance indicators;
- lack of clarity about roles and responsibilities remained, schools were not aware of the funding levels for special needs pupils through LMS and they were unclear about whom to turn to for additional support;

- LEAs were under increasing pressure to make statutory assessments because they had failed to set out thresholds between schools' responsibilities and those of the LEA;
- LEAs were generally unable to hold schools to account for their work with special needs pupils;
- resource targeting was poor, with most LEAs using free school meals to allocate funds to non-statemented pupils;
- little change had taken place in special school staffing levels apart from a downward drift in MLD schools;
- the time taken to issue statements had improved by 2 months on average but much still needed to be done, where good practice existed the LEAs had time targets for the advice given, good management and good administrative staff. [op cit, paras 12-28]

The delegation of support services was problematic because LEAs were reluctant to delegate because of concerns about the effect on provision for pupils with special educational needs and because of uncertainty about how schools might use delegated funds. [op cit, para 27]

The schools were found to be in favour of delegation, perceiving inefficiency and ineffectiveness in existing systems while at the same time recognising that they were not always answerable to delegation. The concerns raised included lack of continuity where different support teachers served the same schools, lack of flexibility with regard to the timing of input, and the feeling that, in general, expertise could be provided by the schools themselves. Some

schools felt that support teachers should spend their time training other teachers. [op cit, paras 28,29]

In late 1994 the long-term future of Northamptonshire County Council, its Education Department and STEPS, seemed to have been secured following the decision of the Local Government Commission, after a long and contentious investigation, to leave the administrative arrangements as they were, subject to agreement from the Secretary of State for the Environment. With this threat gone, long term planning could be undertaken. However, in March 1995, the chairman of the Commission resigned, following an announcement that more than twenty of his recommendations, including that for Northamptonshire, would be reviewed.

The status and role of STEPS, nevertheless, has continued to evolve following the implementation of the 1993 Education Act and the publication of the Code of Practice and Circulars related to special educational needs which have resulted in a number of positive changes to the work undertaken with both statemented and non-statemented pupils.

Statutory decisions were now made within STEPS by a panel without outside consultation (which had, in any case, been problematical) although it was intended to make arrangements for head teachers in mainstream schools and other groups including parents to be represented in some way, although not in the existing panel structure. Time limits for statutory assessment were being strictly adhered to and as the statutory work involved in preparing

statements was coordinated within the same office there was little difficulty in maintaining this position. In 90% of cases statutory assessment was being completed within four months, and although 5% of cases exceeded the 6 months time limit, there were always very specific reasons for this, usually associated with a pupil's non-attendance at school, changes of school, or severe medical difficulties which required specialist advice which was not always readily available.

The PFC (Prima Facie Case) terminology disappeared with the implementation of Sections 156-191 of the 1993 Education Act, to be replaced by the term 'Referral for Statutory Assessment' or RSA. During the first four months of the arrangements under the new legislation, the number of RSAs presented to the panel that were rejected gradually decreased to zero, at the same time the number of statements that were refused at the end of the process also decreased dramatically.

This improvement in effectiveness was due to the new working arrangements within Code of Practice guidelines that had been developed by STEPS. The two key elements in this were, firstly, that schools had been following a staged approach for a considerable period, which had neatly dovetailed into the Code structures, and secondly that educational psychologists were involved in cases long before they were presented as RSAs. The original motivation for this had been the very narrow and strict time limit during which psychologists could make their statutory assessments and write their reports. It was felt that the best way to cope with this time limit and to



ensure that a child's needs were assessed appropriately and that they received the correct provision to meet their needs, was for psychologist involvement to start long before the RSA submission stage was reached.

The organisation of STEPS with specialist support teachers and EPs working together in servicing a cluster of schools, had further eased this process. STEPS teacher involvement started on a formal basis when Stage 2 arrangements under the Code of Practice did not appear to meeting a child's needs. Information gathering, discussion, programme planning and review took place which could result in stage 3 arrangements being made, which in Northamptonshire, involved a minimum input of support, detailed assessment, and STEPS involvement in planning, monitoring and review. Reviews were held at least termly and the arrangements audited annually. This meant that there was a great deal of planning and discussion with regards to Stage 3 cases involving the class teacher, head teacher, the school's special educational needs coordinator, special needs support teachers or assistants, and the parents. Once stage 3 arrangements were in place it quickly became apparent if a Stage 4 RSA was appropriate.

When this became clear, the STEPS teacher would carry out a further assessment with the school and provide specific advice on what should go in the programme; he or she would then assist the school in compiling evidence for an RSA and at the same time discuss the case with the school's EP, setting out a timetable for the psychologist's involvement in the case. Initially this would involve attendance at a Stage 3 review usually with the

parent and discussion of the case on a formal basis with the SENCO, class teacher and STEPS teacher. This input would either result in specific advice with continued involvement in the review process, or a period of direct involvement with the child, followed by advice to be incorporated into the child's programme. At a subsequent review the decision to refer for statutory assessment could be made, if so it would be done with the full knowledge and agreement of both parent and psychologist. The STEPS teacher would then assist the school in presenting the case which would be submitted to the STEPS area administration branch. It would then be discussed formally by the STEPS teacher and EP in their role as representatives of the authority (rather than as support personnel for schools). If agreement was reached that an RSA was appropriate, and that the child, in their judgement, was one of the 'minority of cases' who needed statutory assessment, this would be confirmed through a form which would be signed by both participants, and the case submitted to an action panel. Although six weeks were allowed in the regulations for the LEA to respond to an RSA, in practice in Northamptonshire, this would normally be done within two weeks of submission. The psychologist would then have sufficient prior knowledge of the child to enable a full and effective statutory assessment report to be written within the statutory time limit.

STEPS involvement in statutory reviews also increased dramatically, far exceeding the 50% attendance envisaged by the LEA policy, especially in mainstream schools. Attendance at reviews was undertaken by psychologists representing two interests, as the case professional and as an officer of the

LEA, able to make recommendations under both headings. Changes to the review process under the Code of Practice regulations meant that the review had become more of a process than a single meeting. The 'review' itself took place in a theoretical manner in the STEPS administrative department by the Senior Psychologist on behalf of the authority with any proposed changes to statements being sent for consideration by the Special Needs Action Panel.

A major continuing concern highlighted by the recent Audit Commission update [1994] had been the point at which statutory assessment should be invoked. A group of LEAs in the south of the country had devised criteria for pupils with global learning difficulties. Northamptonshire are in the process of evaluating these criteria.

Under the draft criteria children would be considered to have a significant level of learning difficulty, which would require statutory assessment, if their general levels of academic attainment following Stage 3 support were as follows;

- below 7, a child's attainments would be at or below the level of an average child 2½ years younger in two or more of; communication skills, concept development, early literacy, early numeracy, self-help, mobility;
- at 7 (Year 2) working towards Level 1 (attainments at or below the 5 year level);
- at 8 (Year 3) working towards Level 1 (attainments at or below the 5½ year level);
- at 9 (Year 4) working towards Level 1 (attainments at or below the 6 year level);
- at 10 (Year 5) working towards Level 1 and towards level 2 (attainments at or below the 6½ year level);
- at 11 (Year 6) working towards Level 2 (attainments at or below the 6½ year level);
- at 12 (Year 7) working towards Level 2 (attainments at or below the 7 year level);
- at 13 (Year 8) working towards Level 2 (attainments at or below the 7½ year level);

- at 14 (Year 2) working towards Level 2 (attainments at or below the 7½ year level).  
[NCC, 1995]

Application of these criteria to current RSAs and statemented pupils would result in a significant decrease in Band 4 statements in mainstream and special schools. The justification for such low thresholds was that effective differentiation and arrangements at stages 1, 2 and 3 should normally be sufficient to meet the needs of children with learning difficulties.

Circular 6/94 [DFE, 1994] provided guidance on two areas related to the work undertaken by STEPS, the organisation of support services and the special needs policies which governing bodies had to publish by September 1995. The circular set out in detail the elements that had to be included in the policy, providing an unprecedented level of prescription of what schools had to do, bypassing LEA policies in order to do it.

The governing body's Annual Report to parents was in future, to contain prescribed information about the implementation of the policy and was to include information on a wide range of aspects, which included the success of the SEN policy (demonstrating the effectiveness of the systems for identification, assessment, provision, monitoring and record-keeping and use of outside support agencies), significant changes in policy, consultations with the LEA, Funding Authority and other schools, and the way resources had been allocated to children with SEN over the year. [DFE, 1994, Schedule 4]

The circular also set out the framework for LEA support services which could be constructed in a variety of ways and offer a variety of services. The important difference with previous organisation methods was that under section 162 of the 1993 Act, LEAs could only supply services in order to assist governing bodies at their invitation, in their duties in relation to pupils with special educational needs. The Secretary of State expected the funding for support services to be delegated to schools, who would then buy in the service from whatever source they decided was most appropriate, usually with a contract of three years. The Support Service in Northamptonshire, however, was constructed in an entirely different way, based on the Educational Psychology Service it was constituted in order to undertake the LEAs statutory responsibilities to monitor the arrangements made for all children with special needs, assisting schools to develop appropriate policies as a secondary function. This allowed them access to all schools including those that were grant maintained, without having to wait for an invitation from the governing body. Circular 6/94 appeared to put support services, in general, under a severe threat as experiences with delegation has shown that they invariably contracted or were even disbanded. [DFE, 1994, Part II, paras 70-84]

### *Summary*

The 1993 Education Act and the Code of Practice, produced in its final form within a year of the legislation made a significant difference to the way LEAs and schools organised and monitored special educational needs and responded

to children, especially in mainstream schools. The question of who should be assessed and dealt with, and the expectations and rights of those involved in the process were now firmly fixed, as was the setting of the mainstream as the place where the majority of special needs intervention would take place. This context, although set to a certain extent by legislation and the Code, was still determined to a large extent by the way LEAs organised and operated their support services and their responses to statutory assessment. Although there was a duty in the 1993 Act for schools and all others involved, to have due regard to the Code, there were still many points at which schools could perceive what was found there in a different way to both the LEA and the DFE. Schools and individuals could, of course, once having given 'due regard' to the Code, then ignore it. In Northamptonshire at least, schools had moved forward a great deal in the previous four years, and it was now only a handful that appeared unable to take on board the principles and practices of the Code.

Present day policy development for special needs is currently formed by LEA responses to the 1993 Education Act and the Code of Practice which provides some sort of common reference on the paths LEAs should be taking. The policy undertaken in Northamptonshire represents an example of a positive response. Pressures provided by central government in the form of the Act, the Code, the accompanying Circulars, the statutory time limits in the statementing process, the increased rights of parents and the interest of the Audit Commission in looking for value for money, have meant that monitoring and meeting special educational needs now has a much higher

profile, with the result that policy is now more active, with a long period of drift being forcibly ended.

The overall result for children with mild and moderate learning difficulties is that they are now educated mostly in mainstream schools, mostly without statements, with special school placements becoming rare, resulting from parental choice or other factors such as severe emotional and behavioural problems. Pupils are therefore back where they started at the beginning of the development, in their neighbourhood schools, recognised as having needs but now with an acceptance that this is where they should be, with LEAs, through their support services providing the context within which meeting, monitoring and reviewing takes place, with schools gradually developing independence in dealing with a broader range of needs.

Northamptonshire's policy in retaining its centrally funded support service as part of the protected psychology service along with its innovations including the Banding Model and the audit arrangements have attracted the attention of both the Audit Commission and the NFER who see the service as having made use of a loophole in the current system.

The system as it exists in the County at the moment can be seen as a triumph for the principal psychologist and Head of STEPS who was on the original working party that discussed special needs policy following the Warnock Report. He is the only survivor of that group still employed by the LEA, and he now has control over the entire process relating to all six Bands of the

special needs model and as a result influences special needs policies in every school including the special schools and grant-maintained schools.

Recent legislation, educational innovation, increased parental expectations and the introduction of the Code of Practice have resulted in the confirmation of the basic principle, that mainstream schools should be expected to cope with most children who have special educational needs and that, for those whose needs cannot be met in this way, a statutory assessment from the LEA is appropriate to ensure that these more severe needs are identified and met in the optimum manner. The Code has also introduced the right of the child to be consulted on the arrangements being made to meet his or her needs.

The framework on which this is to be organised has to be based upon the Code of Practice, and is still, therefore, largely left to LEAs to organise. In Northamptonshire, this has been done positively, indicating clearly, that despite the limitations that remain in a system based upon the identification of some children as not fit for an education designed for all, much can still be achieved; both in setting up a system within the existing legislation and guidelines, and by addressing the limitations of the system through positive action at the school based stages.



## Chapter 9

### Change as Progress and Good Practice

Despite the ability of central government to define the legislation which governs the way children with learning difficulties have their needs met, it has been the LEAs that have played a major part in putting not only legal requirements, but also report conclusions and social expectations into practice. Although schools are the final link in the process of putting policy into practice, on their own, in many cases, they are unable to undertake this work independently, bearing in mind all their other responsibilities. Although meeting the special educational needs of pupils, especially those pupils I have described, has become more and more a mainstream problem, schools currently still require LEA support in some form, and will continue to do so for some time, before they can consider themselves fully competent to perform the task independently, even then they will need to be monitored supportively.

Tracing the development of systems to meet the needs of children with learning difficulties has shown that it started with a fundamental disservice to both pupils and mainstream schools by defining the problem as one which needed to be dealt with outside the mainstream. This was further exacerbated by the definition of the main purpose of such education as developing the

ability to become self-supporting, due in part to the early suggestions from Shuttleworth and Egerton. The independent action by the early school Boards perpetuated this basic error, compounded by the Sharpe committee which linked 'learning difficulty' and 'mental defect', despite calls at the time that the problem should be considered as one for the mainstream alone. Permissive and inadequate legislation legitimised the segregationist policy without providing any sort of solution for most children who remained without support in mainstream schools. The difficulties in dealing with children in rural areas and small towns and the difficulty in ascertaining who were 'feeble-minded' and not 'dull and backward' or 'imbeciles' meant that the solution provided was wholly inadequate. An important result of the legislation, however, was the development of 'Sandlebridge' which provided an example of what could be produced in terms of care and control.

The association of learning difficulties with 'mental defect' coincided with the rise in interest in eugenics and fears about the erosion of the race, resulting in a widely held view that children with learning difficulties were a threat to society and should be permanently institutionalised. The Royal Commission that looked at these issues were very critical of the schools that had been developed because they failed to make children self-supporting. It was thought better for control of establishments for this type of child to pass to the proposed Board of Control. The segregation principles were therefore being taken to extremes. The resulting legislation, however, made the existing law compulsory, falling far short of establishing 'permanent care'. A variety of reasons, including war, changes in the structure of education, and the

economic climate ensured that a long period of drift was established as LEAs and central government collaborated in order to ensure that the legislation was not implemented to any degree. Central government used a variety of devices to perpetuate this drift and maintain the myth that the problem was being addressed, including the use of circulars and committees to consider action, none of which achieved any improvement. The most high profile of these, Wood's Mental Deficiency Committee, grouped the feeble-minded, mentally defective and dull and backward together into the 'remedial' group, shifting the emphasis slightly away from special to mainstream placement, at least up until the age of 11. The response to this from central government was to continue to avoid any direct action up to the beginning of the war, as the implied collaboration with the LEAs ensured that segregated places were not provided.

The 1944 Act provided a two edged contribution to development with the introduction of the ESN category which embraced all children with learning difficulties, only some of whom would be educated in mainstream schools, while at the same time enabling the further development of a system that could be used to remove and segregate more children than ever before. A segregated system developed gradually, but as more places became available, the ESN category narrowed to refer more to those in segregated education, with the section of the category remaining in the mainstream becoming known as the 'backward' once more. LEAs cooperated in this period by providing segregated places, in residential establishments to start with, until there were sufficient numbers to deal with all the proportion thought to fall

into the group that needed removal from mainstream schools. Some progress was made, nevertheless, with those integrated into mainstream schools with separate classes and some LEAs established remedial teaching services.

The most significant event in this period, which was to bring about the eventual decline of the ESN category, took place in 1971 when the previously 'ineducable' group were brought into the system for the first time as the ESN(S) as a result of the 1970 Education Act. Concerns about LEAs' ability to cope resulted in the Warnock Committee of Enquiry. Warnock achieved much and changed perceptions about special needs, on one hand emphasising the central importance of integration, changing the emphasis from categorisation to need, and changing the perception of the term so that it began to refer to the 'more handicapped', in addition to introducing the idea of statementing and an enhanced role for support services, and on the other hand, extending the concept of SEN to cover 20%, with the danger of the marginalisation of a higher proportion of pupils, which became a significant barrier in helping mainstream schools cope with a wider range of special educational needs.

The legislation that resulted from Warnock was, however, ambiguous, confusing and at best enabling, allowing far too much interpretation on the part of LEAs, reflecting a requirement for processes in meeting needs to be undertaken at no additional cost. Incidence and interest in integration and mainstream placements increased and became acceptable to schools, but they still needed help, lacking the expertise in dealing with a wider range of special educational needs. This made the role of the LEA very important.

Warnock and the Act swept away the ESN(M) category, with the legislation making it clear that this category would not be considered in the 2% thought to have the severe or complex difficulties that would result in a statement. Continued existence of special schools for this category, together with expectations by schools that they could still remove their most troublesome pupils ensured that some with 'moderate learning difficulties' continued to be statemented, however, although the number in segregated placements continued to decline. Redefinition of this category was likely to take some time.

Support directed towards schools to help them cope with a wider range of pupils and reduce the incidence of statementing as a result was provided by LEAs through initiatives such as support services, ATS hours and the introduction of the staged approach suggested by Warnock, which could often result in increased and earlier demands for statutory assessment. Nevertheless, children with learning difficulties were being seen more and more as a wholly mainstream problem, as they had been in the 1890s with the same problem, that many schools were limited in their capability to cope with them, including those with statements.

The 1988 Education Act represented a further move forward in re-integrating children with learning difficulties, introducing LMS, GM schools, and the National Curriculum with the concept of differentiation as the major way of dealing with a range of ability. As LEAs began to lose their power and responsibility they re-discovered their duty of monitoring the way the special

educational needs of all children were met, with or without statements. The Audit Commission showed that statements and the statementing process had been devalued by the inability of LEAs to undertake assessment and monitoring adequately, and suggested changes in legislation, and in the definition of when statutory processes should start. At the same time support services were placed under threat by the need for LEAs to delegate more and more funding directly to schools.

Most children with learning difficulties have special educational needs that can be met in mainstream schools through the application of careful thought about the best ways to meet needs and the changes in arrangements required to meet them. What is done for children should be part of education that is normally available to everyone, something children and parents should have a right to expect from schools.

The responsibility to do this rests with those in face to face contact with the child and the schools they attend. Eventually this should be carried out without reference to outside agencies, except possibly for monitoring. However, schools currently both want and need LEA support services to help with a wide range of organisational and practical tasks.

LEAs have played a significant part in the development of systems to meet the needs of children with learning difficulties. Unfortunately, their first contribution was the establishment of segregated placements followed by a long, painful and continuing movement to reverse the process. Despite the

framework offered by legislation, it has been direct action by LEAs that has had most influence on what happens in schools with pupils. Those working directly with children with special needs in schools have too often had to re-invent the wheel in meeting needs. Attempts in Northamptonshire to move round this have helped, but the eventual aim should be the eradication of support like this.

This thesis has shown that Northamptonshire has a long tradition of positive responses to central government policy for special education for children with mild and moderate learning difficulties. The positive responses began in 1905 with the establishment of Northampton Borough Council's first school for 'Mentally Defective' pupils which is still in existence today (although in new premises and under a different name and description to the original). For the next fifty years it was the only special school exclusively of this type in the county, operating somehow outside the discussions and conclusions of both the Radnor Commission and the Wood Report, gradually increasing in size while nationally the number of places was falling. Initiatives and inquiry by the teaching staff was encouraged and new approaches to meeting needs were regularly attempted, establishing a policy of positive development.

Development in the rest of the county did not start until after the 1944 Education Act had established the principles of residential schools. Despite many attempts and careful planning, however, it was not until 1955, when the concept of 'country house' schools was beginning to be regarded as anachronistic, that a boarding school was eventually established, although

some day places for 'ESN' pupils had been provided in a special school for pupils with physical difficulties. In the County as a whole at this time, there were many more pupils ascertained as needing places than there was provision available.

It was not until 1970s, however, that it was possible to provide a framework for a complete positive response for those thought to require segregated places. This decade saw not only the establishment of sufficient special school places for those who needed them, but also the introduction of 'part-time' remedial posts, enhanced staffing ratios in secondary schools, opportunity classes and the establishment of a remedial teaching service which followed the merger of the County and Borough administrations under local government reorganisation in 1974. The Warnock Report provided the catalyst for the new authority to start redefining its policy for special educational needs which in the years ahead was often to involve anticipating changes in policy from central government.

Despite financial constraints, which continually had detrimental effects on the implementation of policy, the Northamptonshire LEA continued to make a positive response to both Warnock and the 1981 Education Act. This was achieved by raising the status of its psychological service, establishing support services along the lines suggested by Warnock, and by establishing initiatives to help mainstream schools meet the needs of a wider range of pupils, by the introduction of ATS hours, encouraging schools to appoint special needs coordinators and by providing information for parents.



The reforms brought about by the 1988 Education Act in reducing the power of LEAs in education generally prompted a further re-think of LEA policy. This resulted in the following;

- an increased role by the LEA in monitoring the needs of both statemented and non-statemented pupils in all schools including those that became grant-maintained;
- the development of a banding model to both provide resources at an appropriate level and to move the emphasis away from categorisation and needs to the resources required to meet those needs;
- an annual audit of special educational arrangements for non-statemented pupils both to monitor what schools were undertaking and to distribute funding in order to encourage them to continue to do so;
- reorganisation of all support services and special needs administrative services under the umbrella of the psychological service, STEPS, to undertake all statutory and monitoring responsibilities on behalf of the LEA, while supporting schools at the same time, enabling quick responses to the needs of individual children and their schools; and an efficient response to statutory assessment, in most cases well within the time limits imposed by the 1993 Education Act regulations.

The implementation of the Code of Practice was anticipated to such an extent that very little change in LEA policy was required as a result of it.

Perhaps the most important development within current LEA policy is the establishment of the principle that STEPS will act as advocates of the child.

While this can be problematical for individuals in suggesting courses of action which can be expensive for the LEA while in their employment, for example, it is nevertheless a useful stance to take in suggesting and justifying courses of action and in discussing cases with schools whose main interest in the child seems to be his or her removal.

Current policy in Northamptonshire can therefore be viewed as a positive approach to meeting the needs of children with special educational needs, especially the majority who have mild, moderate or marginal needs.

This has also been the view expressed by the Audit Commission.

*'Northamptonshire County Council had introduced a system for the identification, assessment and recording of pupils with special educational needs that was based on the Warnock stages. Now in its third year it had developed sufficiently for it to be a real aid to implementing the staged approach to identification and assessment outlined in the Code of Practice. The LEA needed to change its system only slightly to match it. Northamptonshire reports that the introduction of the Code of Practice has been greeted favourably by its schools. Record-keeping and reporting requirements about pupils with special needs were already in place'*

[Case Study 3, pg 18, Audit Commission 1994]

In a recent publication concerning LEAs' management of special needs, Millward and Skidmore [1996] on behalf of the William Rowntree Foundation had this to say about Northamptonshire.

*'The LEAs policy documentation is exemplary in terms of clarity and thoroughness. Its SEN policy is in line with current thinking and has taken on board many of the salient aspects of national policy in this area, such as the need, highlighted by the Audit Commission, for clarification of the respective responsibilities of LEAs and schools in respect of SEN provision.'*

*Policy is underpinned by a clearly articulated set of principles, stressing in particular the the entitlement of pupils to be educated in their local community and to share experiences with their peers. There is pervasive concern to ensure equitable provision for all pupils.'*

*The STEPS team offer an integrated support service to schools, their major task comprising monitoring and enskilling the teaching force.'*

[Millward and Skidmore, 1996, pgs 6-7 'LEA D']

These positive views illustrate what can be achieved as a result of continuity in policy development, although this has not always been the case.

The development of the system for meeting the needs of pupils with marginal, mild and moderate learning difficulties can be thought of as having taken place in two overlapping periods;

- a) 1892 to 1978 from the first attempts by School Boards to provide segregated provision to the point at which segregation was no longer seen as the most appropriate action.
- b) 1929 to the present, from the first proposals by Wood's Committee that pupils with learning difficulties should be educated in mainstream schools, at least up to the age of 11, through the development of official central government policy that mainstream schools were where special education should take place and the restatement of this following Warnock up to the current reforms.

Central government appeared to encourage both views in the overlapping period.

Throughout most of the first period the attitude of central government led to a great amount of discontinuity in the development of the system. They were reluctant participants in the early development, forced to take action by London School Board in the form of Sharpe's Committee which resulted in enabling legislation which although later becoming compulsory, at best failed to ensure implementation, and at worst encouraged LEAs to ignore it, an attitude rooted in the economic realities of the period, which revealed the low regard in which children with learning difficulties were held by central government, despite the wish to present 'special education' as benevolent.

The relative 'boom' years in the overlapping period allowed LEAs to provide sufficient segregated places producing a system that was in direct opposition to stated government policy.

A basis for continuity was finally established by the level of resources available for this form of special education which was then subject to a change in emphasis as a result of the Warnock Report and the legislation of 1981, following which central government largely withdrew from the field of special education policy implementation, leaving it to individual LEAs to interpret the legislation until its limitations were again highlighted by the Audit Commission in 1992. There was a danger during this period of discontinuity in some LEAs because of their difficulties in implementing the 1981 Act.

The development of the system in Northamptonshire, therefore, illustrates a high degree of continuity in policy development from 1905 up to the present day with a strong tradition of taking on board current thinking and acting positively in meeting or anticipating central government policy. Threats to continuity came from financial constraints and the imposition of unnegotiated educational reforms.

Despite the view presented here that Northamptonshire has produced a positive response to the needs of pupils with learning difficulties in the development of its policies, it is clear that there are difficulties for many authorities and schools in both funding support services and implementing

the Code of Practice. LEAs themselves are under threat from recent educational reforms, and the idea has been put forward by Gary Thomas [1992] that they should withdraw from direct involvement in special needs retaining a residual responsibility for general oversight. He felt that LEAs had a disposition to provide self-serving 'services' rather than delegate responsibility to schools, which would mean smaller class sizes and a reduction in the psychological distance between 'special' and 'mainstream'.

Despite the encouragement from the Audit Commission and the Rowntree Foundation there are nevertheless difficulties and limitations with the organisation and purpose of STEPS itself;

- the four area teams offer somewhat different services and therefore the service offered as a whole is inconsistent,
- there are power struggles within the organisation, for example, where psychologists attempt to widen their area of influence to stage 3 of the Code of Practice, while teachers within the organisation attempt to retain their responsibilities,
- there is discontent in a minority of schools (not grant-maintained) who object to STEPS monitoring what they doing,
- STEPS are seen by some schools as providing hurdles which schools must overcome with regard to statutory assessment, such as EP involvement in cases proposed for statutory assessment at stage 4 and clear evidence of the schools input instead of accepting a class or head teacher's professional judgement that a child needs a statement.

What Northamptonshire has done is to provide a positive approach to the implementation of educational reforms and the Code of Practice but an ideal situation is a long way off. Mainstream schools should, and, eventually it is hoped, will be able to meet the needs of almost all pupils including all those with mild and moderate learning difficulties through;

- effective special needs policies,
- adequate support for individual needs,
- effective arrangements for pupils who need them,
- effective assessment, monitoring and review,
- effective differentiation,
- appropriate funding for intervention,
- effective and widely understood criteria for statutory intervention.

When this has been achieved by all schools the support work by LEAs could cease. However, they will still be left the duties of monitoring and coordinating the statutory processes.

## Chapter 10

### Conclusions

Although legislation, in the form of the 1993 Education Act, together with further documentation from central government currently defines the framework within which schools attempt to meet the special educational needs of its pupils, the success of this policy is still dependent to a large extent to work undertaken by local education authorities and their support services, both in interpreting legislation and national policy and in supporting schools in putting this policy into practice. If LEAs and support services were to be disbanded, this would have a detrimental effect upon the way the needs of children could be met, because of all the other demands that are made on schools. Children with mild and moderate learning difficulties, especially, need the advocacy that support services and LEAs can provide.

Much within the complicated procedures for identifying and meeting special educational needs remains problematical, as it has done throughout the history of the system. The legislation, for example, has never been anything other than enabling, being dependent upon LEAs to implement it, and identification has always caused particular problems, although categorisation of children with mild and moderate learning difficulties as a group that needs some form of segregation from 'normal' children is becoming difficult, allowing an opportunity to reconceptualise this group without having to



marginalise them as 'special' or 'less than normal'. An innovative system based on current legislation and the 'Code of Practice' can provide a context within which this reconceptualisation can take place.

Local Education Authorities in the form of School Boards played the major role in the establishment of the first form of segregated education designed to meet the needs of children who could not cope with the demands of Elementary Schools as they were constituted in the latter years of the nineteenth century. The involvement of central government in meeting these needs as a result of financial difficulties in maintaining this expensive form of education meant that the initiative for policy development in this area was taken away from the education authorities, but subsequent action by the various government agencies that controlled education ensured that the LEAs continued to contribute to policy development. By their interpretation of the Education Acts and their accompanying minutes and Circulars LEAs became the main way in which changes to the system came about.

The relationship between education authorities and central government changed several times over this period. Often there would be active cooperation between the two bodies, such as in the Committee for Defective and Epileptic Children, which legitimised the existing system in 1898, or less open cooperation where both bodies appeared to collaborate in the non-development of the 1920s and 30s. Mostly, however, a fixed role was to be found, as central government set the legislation and then left the Authorities to develop local policies in a variety of ways.

The original involvement by central government in special needs policy was undertaken reluctantly. The first requests for help were turned down, and even when involvement was inevitable attempts were still made to bypass the issue. Although direct and purposeful involvement started with the Sharpe Committee and the subsequent legislation, the Department, and later the Board of Education, were content for the permissive legislation to serve as the limit of their involvement as the Radnor Commission and subsequent inaction allowed drift in national policy to develop. When the 1899 legislation was made compulsory against the recommendations of the Radnor Commission, little attempt was made to establish increased provision despite the pressures being exerted by voluntary organisations and teachers' associations. Action instead reverted to internal attempts to ensure implementation was avoided at all costs.

The 1944 Education Act saw something of a reverse in policy towards those with learning difficulties. Because of the emphasis placed on the need to provide segregated places quickly, the period saw the development of residential provision as a financially viable option. Despite the shift in emphasis to mainstream efforts to meet special educational needs, which were reiterated and reinforced through circulars, the message failed to reach the schools as LEAs continued to undermine the 'official' policy through their continued development of segregated special schools. The legislative response to the Warnock Report, in contrast, was comparatively quick to reach the statute book, but once the accompanying Circulars were acted upon, central government again allowed the system to drift, as LEAs once more took the

initiative to develop policies for helping schools meet a wider range of difficulties. Following wider educational reforms and criticisms from the Audit Commission concerning the conduct of the statementing process, direct intervention again took place on a more formalised basis than ever before resulting in the fixed framework of Section III of the 1993 Education Act and the Code of Practice.

The reports which signalled these changes of attitude by central government and which punctuated the development of the system, reflected the conditions at the time they were prepared but had a limited effect in changing either local or national policy. The Sharpe Committee appeared to be collaborating in reaching a foregone conclusion to legitimise the existing system and suggest legislation to enable it. The Royal Commission on the Care and Control of the Feeble-Minded, which operated outside the influence of the education system, undermined the existing special schools, but had very little influence on central educational policy. The Mental Deficiency Committee was a central government strategy that failed to provide the expected respite from pressures with its far-reaching and controversial recommendations, which were nevertheless ignored. The Warnock Report did achieve a significant change in what happened in mainstream schools, but it took a long time to achieve and was dependent upon the LEAs for implementation reacting without guidance from central government. The Audit Commission Report, concerned not with educational issues, but value for money, got the most speedy and direct response from central government, while the 1993 Report of the Commons Select Committee, provided a 'snapshot' of the

existing system but had no effect as their recommendations concerned decisions that had already been made. The Reports may have helped to shape policy at both national and local levels, but apart from the Audit Commission they were unable to define it.

Legislation was often a response of central government following the publication of Reports, but even statutory policy often failed to guarantee appropriate provision. The original 1899 legislation was permissive and therefore unenforceable, achieving little more than putting the existing schools on a safer footing financially. The compulsory 1914 legislation was not related to any intention to make better provision for a specific group of pupils and failed totally to achieve this in any case. The 1944 Act provided the framework for greater emphasis on meeting needs in mainstream schools but then became sidetracked by categorisation and the development of segregated provision. The 1981 Act, despite having the force of Warnock behind it, failed to secure adequate education for children with learning difficulties as exposed by the Audit Commission. The wording of the Act and the need for LEAs to interpret it resulted in a wide range of responses. Positive policy development could only take place when Education Authorities responded to the 'spirit' of the Act and the non-statutory recommendations of the Warnock Report.

The legislation of 1988 and 1993 has changed things completely. Differentiation under the National Curriculum established by the Education Reform Act has resulted in a greater focus on individual needs and a better

understanding by most teachers and mainstream schools about the needs of their pupils. At the same time the requirement upon LEAs to delegate most of their resources directly to schools has resulted in a greater awareness by the education authorities concerning their statutory duties with regard to non-statemented pupils, and, in order to maintain a degree of influence, their expectation of greater accountability from schools in using the resources delegated to meet both statemented and non-statemented needs. The Code of Practice, has increased the rights of parents to be involved in meeting their child's needs and the more stringent statutory provisions regarding assessment, statements and review that have resulted from the 1993 Education Act have further increased accountability at all levels. This includes central government, LEAs, Governing Bodies, schools and individuals working directly with children with special educational needs, both statemented and non-statemented.

The current arrangements for identifying and meeting special educational needs for children with mild and moderate learning difficulties show clearly that the most appropriate place for this to take place is in the mainstream school. The original action by the London School Board and other authorities in the 1890s can now be seen as inappropriate. Instead of aligning a group of children in the education system so closely to a group that were excluded as ineducable and creating a separate system for them, it would have better to set the concept of extra help within the existing schools. The original pioneering work was undertaken with the best of intentions, but the unfortunate timing of these actions, when those with the label of 'feeble-

minded' were being seen as an increasing problem for the rest of society, meant that their marginalisation put them under threat of the more extreme action associated with the 'care' and 'control' such groups were thought to need.

The Sharpe Report produced a definition which illustrates the problems that existed in identifying which children needed segregated support. On the one hand they had to be better than the ineducable 'imbecile', and on the other, worse than the 'backward' child in the elementary school. This category of exclusion was open to arbitrary interpretations at both boundaries. The categorisation and its embodiment in legislation meant that decisions about the most appropriate theoretical method for dealing with this category of difficulty were finalised, even though the reality of the situation was that most children with this specific level of need and all of those with the milder version of 'backwardness' were, and would remain, in mainstream schools as a mainstream problem.

This marginalisation and extraction of some children from the system, failed to address the issue of how these children should be dealt with in ordinary schools. The issue eventually had to be considered because of the continued presence of the majority still unsupported in any way in mainstream schools. Having succeeded in extracting this group from the mainstream system, the LEAs and central government then had to, reluctantly at first, look at ways of bringing them back into it again.

This process commenced immediately, there is even evidence, in the interviews of witnesses for the Sharpe Report, that some of those involved in the education system never considered it as anything other than an integrated setting problem. [Sharpe 1898b, Evidence of Aldis, paras 3125-3222] The first direct attempts by the Board of Education to meet the needs in mainstream schools, came when they suggested, in 1923, supervision arrangements for those who were ascertained as being 'mentally defective' in order to retain them in elementary schools until places became available. The most significant move forward came when the Wood Report proposed the 'remedial' category which would have incorporated both the 'mentally defective' and the 'dull and backward', defining them collectively as a mainstream problem at least until the age of 11 when it was thought a range of options, including segregation should be appropriate. Although the Wood conclusions were largely ignored at the time, the principles were included in the 1944 legislation which established the ESN category as parallel in many ways to Wood's 'remedial' term. This category was originally intended to embrace the arrangements made in both special and mainstream schools for children with learning difficulties, with 'special education' seen as something that would take place in mainstream schools as well as special schools. However, because the immediate post-war aim by the new Ministry was to provide segregated places to compensate for the years of ineffective development following the compulsory 1914 Act, the close association of ESN with segregated placement narrowed the definition, establishing it as synonymous in general use with the pre-war 'mentally defective' label. Nevertheless the dual policy operated by the Ministry, repeatedly stating

that needs should be met in ordinary schools, while encouraging the expansion of the segregated system, continued, despite the lack of momentum in mainstream schools in meeting needs.

By the time a substantial and significant number of segregated places had been provided, changes in the perceptions of special needs education were signalled by the inclusion of the 'ineducable' in the system for the first time. This led to the establishment of the Committee under the chairmanship of Mary Warnock which succeeded, where central government directives had failed, in broadening the concept of special needs and in putting greater emphasis on meeting these needs in mainstream settings.

Warnock wished to see the end of the ESN categorisation and its replacement with descriptions of needs, classified according to their severity, which in the case of learning difficulties would be severe, moderate and mild, with the last two terms corresponding to the the old ESN label. The introduction of the 1981 Education Act, made it clear that the protection of a statement was to be limited to those with severe and complex difficulties, which would have excluded all the formerly 'ESN' were it not for the historical precedent of the way they had been dealt with in the past, and the retention of special schools that had originally been organised to deal with them in segregated settings. Increased integration by LEAs, parental expectations on placements and reductions in the numbers in the newly named 'MLD' (moderate learning difficulty) schools continued this loss of identity of a group that it had been thought previously ought to be segregated in large numbers.



The next significant step forward in shifting the emphasis to mainstream schools came with the wide ranging reforms of the 1988 legislation. This introduced not only the National Curriculum but also the important concept of effective differentiation of the curriculum as the most appropriate way to meet the individual needs of most pupils without having to go through the statutory process of acquiring a statement. This approach was given a further boost in the 1993 Education Act which introduced the Code of Practice to provide a partially statutory framework for special needs policy to be undertaken in ordinary schools, where it was envisaged that the needs of most pupils, including those with mild and moderate difficulties, would be met through a staged approach. Initial attempts to formulate the long awaited criteria for the introduction of Stage 4 and 5 arrangements indicate that all those previously regarded in the past as suitable for placement in special schools with learning difficulties would be excluded from these stages of the process in future, [NCC, 1995] thus establishing the task of meeting the needs of those with mild and moderate learning difficulties as something to be undertaken by ordinary schools from their own resources without the need for statutory assessment or statements.

Developments in Northamptonshire have provided a case study of the efforts made by one LEA to put policy into practice. The authority in this county developed from innovative, but slow starters in providing segregated places to possessors of a system for dealing with statemented and non-statemented needs that has been held up as an example of good practice by the the Audit Commission. The recent initiatives have included attempts to change the

nature of special schools, non-statemented additional teaching support (ATS), the development of support services, and the anticipation of government policy in the 1990s putting the authority in advance of most LEAs in the country in meeting the special educational needs of its pupils.

The introduction of STEPS based on the Educational Psychology Service has combined a number of strands of policy including LMSSEN (Local Management of Special Educational Needs); the Banding Model, the Audit and all the administrative elements of the statementing process. This has meant that all those involved in supporting schools and pupils, both psychologists and specialist teachers, are working together towards the same aims in the same establishments, improving communication beyond recognition.

The continued existence of LEAs is under threat, however. A current danger is the possibility that a non-elected Funding Authority would take over LEAs' responsibilities once 75% of children are attending GM schools. This does not affect Northamptonshire at the moment. The number of GM schools is less than 10% of the total, and the last 'opting-out' took place more than 18 months ago. STEPS does not discriminate against GM schools, the service is available free to all maintained schools in the County as part of the LEAs statutory obligation to monitor the needs of all statemented and non-statemented pupils. The support elements of the service are highly valued by schools and there is no question of STEPS having to be 'bought in', although the GM schools have indicated that they are quite prepared to do so.

The system for providing support to children with special educational needs and their schools in Northamptonshire is a significant contribution to the development of appropriate education for children with mild and moderate difficulties in learning at the end of a period that has seen their decategorisation and inclusion in a continuum of normal children who can be dealt with in their own schools through differentiation and support determined by the school based stages of the Code of Practice.

STEPS, despite its advantages which include carrying out a dual role of monitoring and support, combining the work of both teachers and psychologists; concentrating knowledge and expertise of special needs; operating the administrative and bureaucratic elements of the statementing process, speeding up the operation of the 1993 Act and ensuring that statutory reviews are undertaken, is constituted in such a way that its existence is dependent upon the creative interpretation of the current legislation and the accompanying circulars.

STEPS is basically a large psychological service and as such its finances are protected from delegation to schools while the LEA continues to exist. The service carries out the LEA duty to monitor the arrangements made to meet the special needs of all pupils in maintained schools in the County both statemented and non-statemented, employing a large number of teachers to enable it to do this through its sophisticated audit. At the same time it offers a broad range of support. However, while operating as a support service to schools, it is exempt from the framework, and consequent limitations,

imposed by Circular 6/94 on services which are not psychological services. Its uniqueness could eventually become a constraint on its continued existence, whereas, at the moment it stands as a highly significant LEA contribution to the development of education for children with mild and moderate difficulties in learning.

The system in Northamptonshire stands as an example of a positive response to central government policy which can supply some solutions to some of the concerns expressed in contemporary debates about special needs education. Current debates are dominated by concerns about the effects of recent reforms, especially the financial consequences and implications of LMS, the threat this poses to the continued existence of support services, and the introduction of the Code of Practice. Many of the current concerns reflected in these debates, have been effectively dealt with by the Education Authority in Northamptonshire, who have been in the forefront of the reform of special needs education at LEA level, meeting the challenge of LMS positively, and anticipating the Report by the Audit Commission, the 1993 Education Act and the Code of Practice.

Although debate related to special educational needs has increased recently in response to these reforms, commentators are still able to pick out flaws where movement appears to be severely limited. Tomlinson [1994] for instance, feels that that despite the introduction of critical literature, special education is still dominated by an ideology of benevolent humanitarianism and the 'feel good' factor, and Barton and Tomlinson [1984] long ago noted a

fundamental flaw in a system that excludes some children from something designed for all.

Factors influencing the development of policy and provision for special educational needs have been highlighted recently by Riddell and Brown. [1994] They include the centralised control of the curriculum and assessment, increased competition between schools and a weakened power base for LEAs. They also feel that the growing emphasis on market forces is a challenge to the higher profile which children with special educational needs had briefly enjoyed following the 1981 legislation, and they point out that accounts of the impact of recent reforms on children with special educational needs have tended to focus on potentially negative aspects.

In Northamptonshire, however, these factors have not necessarily had a detrimental effect upon the development of either policy or practice. The National Curriculum and the principles of differentiation within it, have aided the process of meeting needs across a broad spectrum, addressing areas to be dealt with by specific planning and differentiated approaches to deal with less urgent needs. Increased competition between schools, where it is apparent, has not, in general, resulted in attempts to exclude pupils with learning difficulties from schools. A certain level of need is accepted and even welcomed by schools, and there is some evidence of competition for pupils with special educational needs who may, admittedly, attract additional resources. Such action demonstrates the schools' integrity in dealing with a wide range of ability, although this does not usually apply to pupils who

present behavioural difficulties. As far as the weakened power base of LEAs is concerned with regard to special educational needs, the establishment of STEPS to carry out duties on behalf of the authority in a high profile and supportive manner has meant increased, more open and clearer involvement with all maintained schools in dealing with special educational needs.

Riddell and Brown [1994] have also drawn attention to some of the negative elements of LMS. They express the feeling that although it could lead to an increase in quality for those with special educational needs through accountability, openness and value for money, its introduction seems to have had a negative effect with the reduction in centrally funded support services, and increases in demands for statements, exclusions and places in special schools.

Delegation has not necessarily led to more openness and accountability, however, and the details of schools' budgets, which would have revealed a school's commitment to special educational needs, have remained largely unavailable. [Vincent, 1995] This phenomenon can be accounted for in two ways, firstly, as action by LEA finance departments in embedding specific special needs money, including resources for statemented pupils, under generic headings; and secondly, as action within schools, where heads and senior management may wish to keep financial details vague in order to operate and implement specific policies without inviting debate.

A further danger to special educational needs from both LMS and GM status is that schools are encouraged to think of themselves as separate units away from LEA influence, and as a result, provide for children with special educational needs in a fragmented manner. [Vincent, 1995] This is not the case in Northamptonshire because of the high profile of STEPS. A further difficulty is that LMS can be thought to place the onus for developing and organising provision more onto schools. The introduction of greater evaluation of the special needs process as a result of the introduction of the Code of Practice, however, will highlight both the value and limitations of delegated management. [Lee, 1992] Lunt [1994] sees LMS as forcing schools to take responsibility for all pupils with special educational needs, except the nominal 2% that are the responsibility of LEAs, by increasing the arrangements they have to make, which will substantially increase their financial commitment.

LMS does not necessarily have to have a negative effect however. Although concerns have been expressed about the detrimental effects of the reforms in arrangements to meet special educational needs, it is well to remember that the old system also failed children. As this study shows, LMS did not end a 'golden age' of special educational provision. [Lee, 1992] On a more positive side, LMS can be seen to free schools to define their responsibilities in relation to special educational needs to suit their own needs. Rather than using it as an excuse to restrict expenditure, it can be utilised to illustrate a commitment to special needs by, for example, setting aside protected funds to

provide support or by freeing the special needs coordinator to carry out the work required by the Code.

Despite fears about market forces, there has not been a move to make it an issue with regard to special needs in Northamptonshire. Most schools give special needs a high priority. SEN pupils are nevertheless characterised by high costs and a limited contribution to standards, and schools with a large number of special educational needs can be thought of as poor by parents. [Brown and Riddell, 1994] This perception, however, can be turned into a positive aspect by demonstrating how much is done for those with special educational needs.

An important element in the current debates and a direct consequence of LMS, is the survival of support services. Their long term future may depend on LEAs' abilities to secure appropriate change. Diamond [1994] has predicted that their future framework will be of small core services built around statutory duties as a platform for non-statutory work. To survive they will need to be accountable, to promote their role and demonstrate their effectiveness, performing the task of an agent for positive discrimination for minority groups, ensuring equality of opportunity for those with special educational needs, retaining a major role for the LEA and performing a valuable service for schools in concentrating experience. [Newton, 1992] Unless a great deal of consultation, discussion and training takes place, support teachers can no more undergo rapid changes in philosophy than classroom teachers and it is important that LEAs in their future development



of services do not lose touch with the intricate nature of the operation.  
[Harland, 1992]

Government policy has, nevertheless, encouraged school autonomy and competition, so there is an urgent need for LEAs, through their support services, to offset fragmentation and segregation. [Bines and Thomas, 1994] This, in turn, can lead to a range of responses from LEAs, but such diversity in LEA policy is not necessarily a bad thing; it reflects local conditions, provides a range of responses to the challenges from central government, and provides good, bad and indifferent examples that can be commented on by agencies such as OFSTED and the Audit Commission, with the best responses being put forward as examples of good practice.

The way in which special needs policy has developed, with central government providing legislation and an administrative framework through Circulars and other semi-statutory publications has meant that LEAs have always interpreted their obligations in a wide variety of ways, illustrated by the statistics that are available. Many see this as a weakness in the system which results in inconsistency. This was certainly the view of CSIE [Swann, 1988] and the Audit Commission [DFE, 1992] when looking at the available information on the implementation of the 1981 Education Act. Evidence given to the House of Commons Select Committee that reported in 1993, however, suggested that the reality of the situation was not so simple. It became clear that large differences in the proportion of children statemented reflected local policies on how to deal with special educational needs rather

than specific policies by some LEAs to restrict spending. Some authorities, for example felt the best policy was to statement as many pupils as possible, while others diverted their resources towards mainstream schools in order to make more effective provision at that level.

Current Government policy on education in general, however, is towards, simultaneous centralisation of the framework (for example the National Curriculum) and decentralisation of the resources (for example, GM schools and LMS). In relation to special needs this means more direction from central government on how schools should be dealing with the needs of both statemented and non-statemented pupils on one hand and the increased delegation of resources to schools to enable them to meet these needs on the other.

The other major reform, the Code of Practice, is only just beginning to take effect in schools. Despite its ambiguities and generalisations it has been widely welcomed. Some have pointed out its weaknesses, of course. Garner [1995] for instance, suggests it fails to address the resource issue and the burden placed on special needs coordinators, and Warnock [1995] has described it as incompatible with recent legislation, suggesting that its successful execution requires considerably lower class sizes.

Lunt, *et al* [1994] have highlighted a gap in provision that has resulted from the implementation of the code, those pupils with special educational needs who fall between the minority with 'severe and complex difficulties' and the

larger number who are the responsibility of the school but for whom the school feels unable to provide appropriate resources, a situation exacerbated by reductions in LEA support services. Lunt proposes the practical solution of school clusters to relieve this problem. In Northamptonshire this has been solved to an extent by LEA involvement and responsibility for all pupils at stage 3 of the Code's approach and the attachment of a minimum resource level (the equivalent of one hour's individual support per week) to this stage as a local procedure not specified in the Code.

The suggestions for monitoring schools' special educational arrangements in the Code appear limited and fail to match the expectations of the House of Commons Select Committee. [1993a] Annual self evaluation of the special needs policy, audit snapshots and OFSTED inspections are not thought to be sufficient to ensure that special educational needs are being met effectively, while the ability of LEAs to monitor and guide school policy and provision is thought to be limited in comparison to the pre-1988 period, as many authorities do not have the personnel to carry out these tasks. [Vincent, 1994] Although the limitations of schools can be exposed through the operation of the Code, these shortcomings can often be concealed from OFSTED inspectors. They are likely to be apparent to support services with regular contact, however, who can then identify them and address them in a supportive way.

The important elements in the Code for dealing with pupils with learning difficulties are the arrangements made by schools at stage 3. The quality of

these interventions varies a great deal between schools and is dependent upon factors such as the views of parents, teachers and head teachers, the level of training and support from the school for class and subject teachers, the quality of support staff, relationships and the availability of resources. Effective policy implementation at this stage is vital for meeting more significant needs without involving statutory procedures. There is a growing need to enable schools to meet children's special educational needs with effective stage 3 arrangements without reverting to the legislation. The development of specific criteria for invoking statutory procedures, an elusive product in the past, appears likely to reduce work at stages 4 and 5 further.

The Code has brought about changes in the vocabulary of special needs, for example, a comment by a school such as 'This child needs a statement' can be reflected back by the support service as 'This child may need statutory assessment to determine his needs, but first we will see if more effective stage 3 arrangements will work.'

Much recent legislation, reflected in the Code, has been concerned with the rights of parents of children with special educational needs, with a change in emphasis where parents can take on the role of critical consumer. [Riddell and Brown, 1994] Their level of involvement in the processes of special educational needs, however, depends to a great extent on the financial social and cultural responses of parents. [Vincent, 1994] Parents still appear to require categorisation of some kind as it provides a reason outside the child which will account for their difficulties. [Brown and Riddell, 1994] A further

complication in this situation has been that financial constraints, which affect all areas of education including provision for special education, may mean that the expectations of parents cannot always be met. [Tomlinson, 1994] The increased involvement of parents in reviews of arrangements at school based stages of the code has, however, been an important element in raising awareness of the processes for parents who would not otherwise take the initiative, justifying the action that has been undertaken and actually involving the parents in the process of meeting needs. The Code of Practice has, therefore, succeeded in drawing attention to the importance of action at the school based stages.

The most important current debate concerns the reconceptualisation of special needs, especially with regard to children with learning difficulties working at the school-based stages. Most special educational needs policy development starts from the assumption that there are groups of children with difficulties so far from normal that they should be given special educational treatment or they will fail. [Tomlinson, 1994] Action depends, therefore, on their identification and classification as having special needs. 'SEN' can therefore be seen either as an enabling term, or as a term that unnecessarily marginalises a proportion of the school population. [Brown and Riddell, 1994] Although special education should be a definitive example of a child-centred education, the assessment process draws attention to the deficits of the child. An alternative approach to dealing with children with learning difficulties could be to take the 'special' out of 'special education' to make what is currently considered special, normal. [Dessent, 1987]

The appropriate conditions for undertaking such a task are now in place with the Code of Practice and the National Curriculum. Galloway [1990] has suggested that the requirement that all pupils should have access to the National Curriculum makes it more difficult to marginalise those with special educational needs. The emphasis then changes from deficits within the child to the need for differentiation on the part of the teacher.

An important issue for Lunt and Evans [1994] has been the dilemma posed by this need to identify pupils with learning difficulties which goes to the heart of the special needs decision making process under LMS. Is identification necessary to provide resources to meet needs or should schools be provided with sufficient resources so that a wider range of needs can be met without categorisation? The suggestion is that if schools were sufficiently resourced, there would be no need to identify needs, with the consequence that they would be met mainly through effective differentiation.

Booth [1994] puts the issue more bluntly.

*'How can we expect to achieve a sophisticated approach to differentiation when we continue to numb our minds with the simplistic and discriminating dichotomy between 'normal' and 'less than normal'.*

The 1993 Act and the Code are seen by Booth as a lost opportunity to reconceptualise special education, as the statutory definitions, identical to those in the 1981 Act, continue to detract from attempts to match teaching styles to the diversity of learners in schools. The alternative is to view

difficulties as arising out of relationships between children, teachers, the curriculum, resources and the environment, not something children 'have' but something we all suffer from, alleviated when appropriate conditions for learning are created. [Riddell and Brown, 1994, Booth, 1994]

This reconceptualisation is a logical development of the recent changes that have already taken place in the concept of special educational needs. The Code of Practice, with its emphasis on school based stages further reinforces this, and it is perhaps now time to reverse the Warnock extension of the concept, allowing 'SEN' to refer once more to pupils with statements and to think of those children at school based stages as receiving a more differentiated education.

By starting with mainstream schools the Code provides new opportunities to see special educational needs as part of the education on offer for all children. [Russell, 1994] The effect of the environment and other factors on the child should not be underestimated and is perhaps best illustrated by the experience of pupil referral units where children permanently excluded from schools, including special schools and schools for EBD pupils, provide a graphic illustration of the way in which parents, schools and society have failed children. As a result of reconceptualisation, stages 1 to 3 would represent a more differentiated normal education and would be an identical approach to that used with those of higher than average ability.

Recent reforms and the introduction of the Code have resulted in conditions where this change in emphasis can take place for some children, although the marginalisation of those with severe difficulties, behavioural difficulties and physical and sensory difficulties is likely to continue. Hinson [1991] suggests that increased debate concerning special educational needs has resulted in a greater acceptance of children with needs and the teachers who deal with them as an integral part of the school rather than as something to be ashamed of.

LEA support services will need to play a key role in achieving this reconceptualisation. They are perhaps the only agency able to take contemporary debates into schools, draw attention to them and help to implement them. A key strategy for achieving this in Northamptonshire will be the audit of special educational arrangements which has already been accepted by most schools, partly because it is resource led. The support service will now have to ensure that schools see its broader value. Enforced delegation of support service funding to schools would be a disaster for reconceptualisation. Practitioners in this field must nevertheless accept the framework in which they operate and work towards changing the system from within by providing examples of good practice and by demonstrating the effectiveness of the arrangements.

There are of course dangers in this approach, which practitioners need to be aware of. One danger is inherent in the audit, in giving too high a priority to special needs. In the case of a GM infant school in Northamptonshire, for



example, children have been categorised as in need of special education and have received substantial additional help once they fell more than six months behind average in any area. There is also a danger in operating a resource led model in supporting schools by drawing attention to the 'special' aspects of the need instead of extending the ability of the school to cope with a wider range of need for itself. The key to future development is, therefore, more effective differentiation for pupils at stages 1, 2 and 3.

The Code of Practice succeeds in making the long term policy of central government clear, in that the needs of children with mild and moderate learning difficulties should be met in mainstream schools without too much additional support. The starting point for meeting these needs in the future must be in addressing the reasons for the difficulties, going beyond something which may be thought of as inherent in the child, to encompass the differentiation arrangements made by the class or subject teacher. The most important task for LEA support services must be to help all participants in special needs education, children, parents, teachers, classroom assistants and support teachers, feel confident about what they are doing to address special educational needs, and to help them realise that what they do makes a difference.

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- Copy of the original letter of appointment passed from Newman to Percy April 1928
- Newman's explanation to Percy
- Notes on options, February 1929
- Note on meeting with Wood 13.02.29
- Letters to and from Wood

### ED 24/1363

- Letter from County Councils Association (01.08.29)

### ED 24/1365

- Note to the Board from the Cabinet Office stating that any action must be taken by the Cabinet
- Pre-Office Committee conclusions
- Pre-Office Committee Notes 14.07.31

**ED 50/121**

- Memorandum 15.05.25 Single class schools for the Mentally Defective in Rural Areas
- Memorandum 15.05.25 The conditions were that they should adjoin Elementary Schools, have separate 'offices' and break times, and, although outwardly integrated into the ordinary school, should be fully segregated throughout the school day.

**ED 50/124**

- Proposals from CAMW July 1929
- 06.01 30 Resolution for a Royal Commission from COS, 10.01.30 identical Resolution from NUT
- Reference to letters in Times (22.07.29) and TES (27.07.29)
- Notes of a meeting with NUT 31.10.30
- Draft Circular Mentally Retarded Children, 1931
- Minute of meeting and submission from the NUT 21.11.34

**ED 50/155**

- Arthur Wood's Policy Document, 1923
- Wood's Policy Document, 1923
- Wood's summary
- Newman's first reply to Wood, 17.07.23
- Newman's second reply to Wood, 21.08.23
- Several drafts of circular with attached note from HMSO

**ED 50/266**

- Correspondence from National Special Schools Union 1938

**ED 50/1260**

- Report of the Office Committee on Mentally Retarded Children 31.03.36

**ED 50/1508**

- Notes prepared by Wood

**ACTS OF PARLIAMENT**

**62 & 63 Victoria C 32 Elementary Education (Defective and Epileptic Children) Act 1899**

**3 & 4 Geo 5 C 28 Mental Deficiency Act 1913**

**4 & 5 Geo 5 C 45 Elementary Education (Defective and Epileptic Children) Act 1914**

**11 & 12 Geo 5 C 51 Education Act 1921**

**7 & 8 Geo 6 Ch 31 Education Act 1944**

**Eliz 2 Ch 52 Education Act (Handicapped Children) 1972**

**Eliz 2 Ch 81 Education Act 1976**

**Eliz 2 Ch 60 Education Act 1981**

**Eliz 2 Ch 35 Education Act 1993 (Part III Children with Special Educational Needs)**

**Elementary Education (Defective and Epileptic Children) Bill, 1899**